



## **RURAL SELF-GOVERNMENT IN BENGAL**



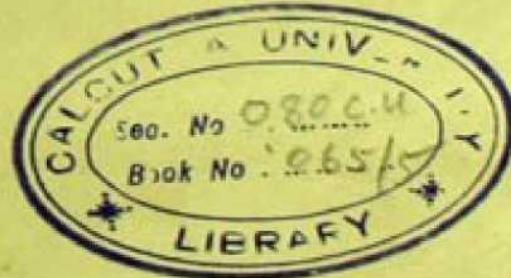
# RURAL SELF-GOVERNMENT IN BENGAL

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## PREFACE

Local Self-Government has hitherto been a neglected domain of Indian administration. The little enthusiasm that has been created of late in this field is due mainly to the leadership of a number of gentlemen who have organised the Institute of Local Self-Government in Bombay. Their pioneering activities are now fortunately finding imitators in other provinces of the country. A member of the Servants of India Society has set up a similar Institute at Lahore and he also took the initiative of organising the first All-India Local Self-Government Conference which was held last spring at Delhi. It is expected that Conferences of this character will direct, with increasing insistence, the attention of both social workers and scholars to the proper and scientific study of the administration of the local bodies in our country and of the different problems which they are called upon to tackle.

In the following pages an account has been given as to the growth of the rural local bodies of Bengal, *e.g.*, the Union Boards, Local Boards and District Boards and as to their constitution, functions and finances. For the two historical chapters, the writer had of course to depend upon the relevant Parliamentary Papers and the proceedings of the Legislative Councils. For the rest of the book however he had to collect his information and materials mainly by personal investigation. The Annual (in some cases Biennial) Resolutions of the Provincial Governments on the working of these local bodies have no doubt been consulted and many facts and figures borrowed from them. Similarly the Reports of the District Boards have in many cases been of considerable assistance to the writer. It should however be noted that many of the District Boards do not care to print and publish their Annual



Reports. In manuscript they submit these documents to the Divisional Commissioners and keep a copy or two of them in their own archives so that when necessary a member may call for and consult them. This does not appear to be a practice in the right lines. All the District Boards should make it a point to publish these reports. If the District Board of Howrah is not financially handicapped in this matter, it is unlikely that the other Boards may put forward this ground for being remiss in this respect. The publication of the reports has many advantages. It not only helps the social workers and students of public administration in easily getting at the necessary facts and figures but as they are discussed in the press, it rivets public attention upon the working of the Boards. That is no small return for the expense of publication.

As it has been hinted in the previous paragraph, the writer depended mostly for his information neither on Government Resolutions nor on the Reports of the Boards themselves. The help derived from them has been great but not primary in character. The writer came into touch with many persons connected with the local administration of the province. He framed a questionnaire and answers were invited from these gentlemen. He cannot thank them too much for the alacrity and courtesy with which they responded to his appeal. From some of them he not only received written answers to his queries but he had the opportunity of discussing with them many aspects of the local administration in details. It is by such discussions that many of the dark corners in the administration of the local bodies became clear. The informants of the writer were persons differently connected with local administration. Some were members of the Union Boards and acted for several terms as Presidents of these bodies. Some were members of Local and District Boards. Two were Chairmen of District Boards, one was a Secretary to a District Board, some were election agents of gentlemen who stood as candidates for membership of Local

Boards and were otherwise also in touch with the working of the local bodies. Some of his informants were local officers of the Government. A few Circle Officers, and several Sub-divisional and District Officers responded to his request for both facts and opinions. It need not be pointed out here that while the thanks of the writer are due to them for the help they have rendered, the responsibility for the opinions and views which have found expression in the book attaches to him alone.

Some of the readers may miss a chapter on Government Control in the second part of the book. A chapter has been inserted on this subject in the first part. But as in other places much has been mentioned already as to the control and supervision exercised by the District Boards and the administrative officers of the Government upon the Union Boards, no separate section has been added for the discussion of this topic. It is the Circle Officers who are the immediate agents to inspect these Boards both on behalf of the District Magistrate and the District Board. It is the opinion of many non-official public men that this agency should be either abolished or at least largely reduced. Its association with the working of the Union Boards is regarded with suspicion. But on investigation it has been found that as local opinion in the villages is not in the least alert and assertive and as persons elected to the Union Boards are in many cases without proper public spirit and are even open to corruption, the Circle Officers are the only check upon the vagaries of the local authorities. Their visits to the Unions must be frequent and if possible the inspection should be of a close and protracted character. It is not for them merely to check the documents and vouchers in the Board Office. They must personally have a look round the places where particular works have been done by the Board. It is only by such close inspection that they may have an exact idea as to the efficiency or inefficiency and honesty or dishonesty with which the public duties have been performed. The agency of the Circle



Officers is therefore now essential for supervising purposes. The higher officers must of course keep proper watch over the activities of these agents so that they may perform their duties vigorously, impartially, and honestly. If this supervision is lax, there is the risk that they themselves may be implicated in local factions and local corruptions. Nothing should be left undone in order that the protector himself may not be the seducer.

As this treatise was sent to the press and was already in type, a Bill was introduced in the Bengal Legislative Council by the Minister in charge of the Department of Local Self-Government to amend further the Act of 1885. Its two main features tally with the recommendations made in the following pages. The first provides for the abolition of the Local Boards in those districts where the District Boards may decide upon. The second provides for the direct election of the members of the District Boards and the extension of their tenure of office to five years. It is not certain whether these provisions of the Bill will be acceptable to the Legislative Council exactly in the shape in which they stand. It is not therefore required that the details of these provisions should be minutely discussed in this place. But this much it may be said here that if the Local Boards are to be abolished—as they should be—their abolition should be decided upon straightway. It should not be made dependent upon the decisions of the District Boards. The members of these bodies are in many cases also members of the Local Boards. In many instances they exercise greater influence in the lower body than in the higher one. Consequently they may be unwilling to give a burial to the Local Boards and sign thereby their self-denying ordinance.

This book should not be allowed to appear before the public without bearing some acknowledgement of debt which I owe to the gentlemen who helped me in one form or another in the production of this work. When this book was first written, it was submitted to the criticism of my old teacher,



Mr. Tripurari Chakravarty of the History Department of the Calcutta University. His knowledge of the constitutional organisation of different countries is at once wide and deep. None knows better than myself how much the book has improved by his suggestions. My thanks are due to Mr. P. N. Banerjee, M.A., B.L., Barrister-at-Law, and to Dr. J. P. Niyogi, Minto Professor of Economics, Calcutta University, whose encouragement and help have been of considerable value to me. To the Vice-Chancellor, Mr. S. P. Mookerjee, I am grateful for the interest he showed in the publication of this book. Of my friends who have been helpful to me in various ways, special mention must be made of Messrs. G. N. Mookerji, A. N. Lahiri, S. C. Basu, C. Chatterji and M. C. Neogy. My thanks are also due to my brother-in-law, Mr. A. K. Sen of the Calcutta University, who introduced me to several gentlemen connected with local administration. Lastly I must thank the gentlemen of the Press Department of the Calcutta University who have so promptly facilitated the printing and publication of this book. Mr. A. Ghatak, the Superintendent and his assistants and Mr. B. L. Banerjee, the Printer, were all courtesy to me during the period that the book was in their custody.

The first chapter of the book was originally published in the Journal of the Local Self-Government Institute of Bombay. Before it was embodied in this book, it had been thoroughly revised and recast.

CITY COLLEGE.

N. C. ROY.

*10th August, 1936.*

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**PART I**  
**DISTRICT AND LOCAL BOARDS**



# RURAL SELF-GOVERNMENT IN BENGAL

## CHAPTER I

### INTRODUCTION

Local institutions did not exist in any form in Bengal prior to their establishment by legislative enactments in the later 19th century. In Moghul times it is doubtful if even in the villages of this province there was any organised local body. In other parts of India, ancient village institutions might have persisted. But Bengal was too much under the influence and control of the local zemindars to keep up any independent village organisation. A village had as a rule a headman known as the *Mondol* who was responsible to a large degree to the zemindar for the supply of local information, the collection of rent and the maintenance of order as it was understood in those days. But whatever might be the condition of things in the villages, larger administrative units were certainly governed only by the officers of the Government. The empire was in the first instance divided into a number of provinces or *Subas*. Each province was in its turn parcelled out into a number of *sarkars* which were administrative units more or less akin to the modern *divisions*. Each *sarkar* was again sub-divided into *parganas*, which were, as a rule, as large in size as the modern *sub-divisions*. In certain parts and in certain reigns, the *sarkar* was not maintained. A province would be immediately divided into a number of *parganas*. Similarly, now and again for special purposes, new administrative units were carved out and they might either cut across the regular units or might be conterminous with several *parganas*.

Thus in the time of Akbar, there was a unit known as the *Karori* which was set up only for revenue purposes. In the later Moghul days likewise there was the *chakla* which also was a revenue district. Now whatever might be an administrative unit, it was only under the control of an officer appointed by, and responsible to, the Government. For no purpose there was a local body in any of these units. Even a town was under an officer of the Government known as the *Kotwal*. He was not responsible merely for the maintenance of law and order. He was also to minister to the municipal needs of the locality.

When the Indian territories passed into British hands, they also built the administration on the Moghul model. The provinces were divided into districts and districts were on the one side grouped into divisions and on the other parcelled out into sub-divisions. Every division was placed under a Commissioner, every district under a Magistrate and every sub-division under an officer of its own. It was of course by stages that this arrangement hardened into a system. But we find that long before 1870, these units were being administered for all purposes by the officers placed at their head. Only for certain judicial functions, another set of officers was given independent jurisdiction in these units. Otherwise in every district all authority was vested in the District Magistrate who had as much to discharge the police functions as to undertake welfare duties. The Sub-divisional Officers were exactly the replica of the District Magistrates in their own limited spheres. The arrangement was bureaucratic all along the line.

It was in 1871 that the Government undertook a step in the direction of self-government in the districts. For some time past a discussion was going on between the Secretary of State, the Government of India and the Provincial Governments on the question of extending education, constructing roads and improving sanitation among the people. The Government of India suggested that local cesses should be raised by the Provincial Governments for

undertaking these new duties. The suggestion was referred to the Secretary of State who entered fully into the question of local rating for local purposes. He was convinced that there was still much to be done if the condition of the people were to improve. The Government, however, could not undertake these new works out of imperial funds. Hence local cesses were to be raised or the country was to go without proper drainage, roads and education. Further the Secretary of State observed, "it would be most desirable if the local character of these rates could be emphatically marked by committing both the assessing of them and the application of them to local bodies and if possible to carry the people along with us through their natural native leaders both in the assessment and in the expenditure of local rates. It is above all things requisite that the benefits to be derived from the rates should be brought home to their doors,—that these benefits should be palpable, direct and immediate."

This despatch of the Secretary of State was forwarded to the Government of Bengal in a letter from the Governor-General in Council in which it was observed, "His Excellency is most sincerely desirous that every opportunity should be given to the people to participate in the management of their local affairs. In any plan which may be considered, this primary object should never be lost sight of." On receipt of this correspondence, the Lieutenant-Governor appointed a Committee for the purpose of suggesting means for local rating for local purposes. The Committee was presided over by Mr. V. H. Schalch. It was on the recommendations of this Committee that the District Road Cess Bill was introduced in the Bengal Legislative Council on the 25th March, 1871 and became Act in July of the same year.\* It set up a Committee in each district, two-thirds of the members of which were to be non-officials.† The principle of election was not frankly accepted. All the members of the

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select  
on India  
friends

\* Act X of 1871, incorporated in 1880 in the Cess Act (Bengal Act IX of 1880).

† Sec. 116.

Committee were to be ordinarily appointed by the Government. But there was a provision in the Act for the election of members in special cases where it might be expedient to follow that plan.\* Actually however during all the years that the District Road Committees were in existence, none of the members were elected. Nomination was universally in vogue.

It was for this Committee to determine the rate at which the cess was to be levied. The maximum limit of this local taxation was of course fixed in the Act.† Subject to that, however, the Committee was to have discretion as to the amount it was to raise and spend in any particular year. The Committee was to be presided over by the District Officer ‡ and was expected to draw its members from all parts of the district. But as the district was a large administrative unit, the Committee might not be in a position to look to the interest of the distant localities. In consequence a provision was embodied in the Act to the effect that in addition to the District Committees, Branch Committees ✓ might be formed with their chairmen appointed by the Lieutenant-Governor.§ They were to exercise such powers and have such income as would be assigned to them by the Lieutenant-Governor under Sections 164 and 165. During the discussion of this provision in Legislative Council, Mr. (later Raja) Digambar Mitter looked upon the plan of the District Committee as unsuited to the purposes in view. The activities of a Committee which would be in charge of a district forty or fifty miles in length and almost as many miles in breadth would not be " palpable, direct and immediate to the people," as the Government wanted them to be.|| It was in deference to this opinion that a further provision was included in the Act to the effect that some of the Branch Committees might be given by the Lieutenant-Governor at

\* Sec. 113.

§ Sec. 158.

† Sec. 6.

|| Proceedings, Vol. V, 1871, p. 124.

‡ Sec. 118.

his discretion all the powers and authority of the District Committees.\* This provision, however, remained a mere pious wish. Not only no Branch (Sub-divisional) Committee was endowed with such authority but what is more, no such Committee was at all appointed. It was the District Committee which alone held the field. Sub-divisional Committees were not constituted because the Government wanted to move cautiously in this new experiment. Non-officials of light and leading were more available in the district headquarters than in the outlying parts.

The District Committees remained in existence for about fifteen years. The working of these institutions constituted the first experiment of local self-government outside the towns and with units larger than the villages. The experiment was made on the basis of three principles. The first was that the unit should be the district and not any smaller administrative division. The second principle was that this local body should consist of both official and non-official members, that it should work under the direction of an official chairman and that the non-official members should be appointed to this body and not elected by the rate-payers. The third principle was that this local body would be in charge of only one main function—opening and maintaining roads. This experiment was successful in its own way. It made some leading citizens of the district familiar with the system of Committee work and created in them an enthusiasm for public service.

This chapter of local self-government in Bengal was brought to a close by the passing of the Local Self-Government Act of 1885 (Bengal Act III of 1885), which introduced new institutions in the districts. It was only after a long and protracted discussion that the Act of 1885 was finally passed. The idea was first mooted in 1881 and it took four long years for the Government to settle the principles on which the Bill was to be based. The points at

issue were (i) whether the district or the sub-division was to be the unit of local self-government, (ii) whether the elective principle should be frankly accepted or not, (iii) whether the chairman should be elected by the Board or appointed by the Government, (iv) whether the new Boards should be invested with jurisdiction over different local functions or should remain empowered to perform only one main duty and (v) lastly whether the control over the Boards should be exercised by the local officers of the Government or whether for this purpose a Central Board of three members should be set up.

In 1881, Lord Ripon was at the head of the Government of India. He was one of the most trusted lieutenants of Mr. Gladstone and had drunk deep in the political ideal which inspired that statesman and which was brought so prominently to the fore in the Midlothian campaign. Lord Ripon not only persuaded his Government to go back upon some of the reactionary features of the policy which it had pursued during the tenure of office of his predecessor but tried to liberalise the administration and associate as far as possible the opinion of the people with the government of the country. To this end, it appeared to him necessary and wise that the local bodies should be reconstituted on a more popular basis.

In this year the renewal of the financial decentralisation scheme which Lord Mayo had initiated was due. Before the time of Lord Mayo, all financial authority was vested in the Government of India. The Provincial Governments had no independent financial powers. Lord Mayo's Government was of opinion that concentration of authority had been carried too far. It was time for some decentralisation of governmental powers. Accordingly by a resolution passed on the 14th of December, 1870, the Governor-General in Council initiated a scheme under which certain financial authority would be periodically conferred upon the Provincial Governments. By 1881, the period for which the delegation of power had been made, came to a close and fresh

delegation was now to be decided upon. While the Government of India was discussing this question, its attention was drawn to the 23rd paragraph of the resolution by which Lord Mayo's Government had originally inaugurated the scheme of decentralisation. It was laid down in this paragraph that apart from administrative convenience, the scheme had "a greater and wider object in view." It would make for the association of the people with the administration of such local functions as education, sanitation, public works and medical charity. Lord Ripon's Government now seized upon this paragraph and observed in a resolution passed on September 30, 1881, that just as the Government of India was delegating responsibility and powers to the Provincial Governments, so the latter in their turn would be expected to hand over to the local bodies those functions which admitted of local management. Similarly, the Provincial Governments would be required to bestow upon these local authorities sufficient financial resources.\*

In further elaboration of the contents of the resolution, the Government of India despatched several days later (on October 10, 1881) a communication to the Provincial Governments. In this letter the Governor-General in Council declared himself in favour of establishing a Committee in every district in which would be concentrated all the local administration other than that embraced by the municipalities. There might be ancillary sub-committees for the sub-divisions, but these would be of a decidedly subordinate character. The District Magistrate would be *ex-officio* chairman of the District Committee while his deputy would be at the head of the sub-divisional body. Two-thirds of the membership of these Committees would be non-officials elected or nominated as might seem best.† The plan of the Government of India was thus practically on all fours with the system inaugurated in Bengal by the District

\* Parliamentary Paper, Vol. 51, 1883, p. 10.

† *Ibid.*, p. 21.



Road Cess Act of 1871. So far as the frame-work was concerned there was not likely to be any difference between the system already in vogue and that proposed to be set up. Only in respect of powers some improvement was foreshadowed in the new proposals. While the District Committee in operation was concerned only with the building of roads and the opening of drainage, the new Committee would have given to it other local functions as well.

But although the suggestions contained in the resolution and the communication just referred to cannot be characterised as very liberal, the Government of Bengal interpreted them rather as too advanced. In a letter, dated April 8, 1882, the Lieutenant-Governor's views were communicated to the Government of India. It was pointed out in this communication that "any attempt to force suddenly upon the country at large an elaborate system of administration based upon the practice of western nations and foreign to all traditions and ideas of the people must necessarily result in failure." The Government of Bengal took exception to particular proposals no doubt and suggested alternative methods of work, but the tirade just quoted above was not used against any of them in particular but against the spirit which inspired these proposals. The proposal that the district should be the unit of local self-government organisation was vehemently opposed by this Government. It was of opinion that there might be a District Committee, but it must exercise only general control and supervision over the Sub-divisional Committees which should be the working and managing Boards. In case management was committed to the District Committees, this arrangement would involve one of two evils. Either its meetings would be held at long intervals and the work of the Committee would considerably suffer in consequence or the meetings of the Committee would be frequent but the members representing the outlying parts would be absent and on that account the interests of these areas would not be attended to. There was the risk that the interests of the district town and the areas in

the neighbourhood would alone be looked after, if this district system were continued. It was essential that the unit of administration should be the sub-division and not the district.

The Government of Bengal further laid emphasis on the point that the District Committee even as the controlling and supervising authority should be presided over by the District Magistrate. It was thought that in case he was not placed at the head of this Committee, his prestige would suffer and his position would be lowered in the estimation of the people. This would be an undesirable contingency.

"The District Officer is the mainstay of the administration and it is absolutely essential that his position should be upheld in its integrity. Experiments in local self-government will be very valuable as a means of educating the people in the conduct of public affairs but they must not be allowed to weaken the frame-work of the Government." Just as the District Committees were to be headed by the District Officers, so a Sub-divisional Committee must also be presided over by "an officer of the Government accustomed to the transaction of public business." In other words the Sub-divisional Officer should be placed at the head of this local committee.

The third suggestion of the Government of Bengal was that the Local Boards (Sub-divisional Committees) were to be constituted as a rule by nomination. Only in exceptional cases election might be resorted to. The District Boards would consist partly of members, official and non-official, nominated by the Government and partly of members elected by the Local Boards.\*

Before forwarding any reply to this communication of the Government of Bengal, the Governor-General in Council issued a fresh resolution on the subject of local self-government on the 18th May, 1882. In this resolution, attempts were made to modify the too critical attitude of the Provincial Governments towards the proposed reform and bring

\* *Ibid.* pp. 76-85.



## CHAPTER II

### THE PRESIDENCY BANKS

#### *A Short History*<sup>1</sup>

The present Bank of Bengal was opened in May, 1806, under the style of "Bank of Calcutta" with a capital of 50,00,000 Rupees in 500 shares of Rs. 10,000 each. It was granted a charter of incorporation in January, 1809, and the name was altered to the "Bank of Bengal." The East India Company contributed about  $\frac{1}{3}$ th of the capital but as the Bank's capital began to increase the East India Company's proportion of capital began to decrease till in 1876, the year in which the Government sold its shares and relinquished the right of representation on the Board of Directors the Bank's capital stood at £ 2,200,000 of which £ 2,20,000 belonged to Government. The East India Company appointed

<sup>1</sup> The origin of the present bank was due to the Accountant General Henry St. George Tucker's advocacy in the year 1801. He pointed out the inadequacy of the system of floating loans by Treasury Bills. In order to counteract the influence of local bankers which led to the depreciation of these Treasury Bills, a Bank is to be formed where the Government should own a part of the capital. The outcome of this proposal was the present Bank of Bengal. He was the first President of the Board of Directors of the Bank of Bengal.

three directors and the Secretary and Treasurer of the Bank was always a Civilian till 1854. It was prohibited to do certain things by rules in the charter.

Mr. J. M. Keynes opines that "this Indian Banking institution has been moulded on and influenced by English conditions as it is illustrated by the fact that several provisions in the character of the Presidency Banks were copied from the Charter of 1695 of the Bank of England.<sup>1</sup> The Bank was prohibited by the charter not to lend more than one lakh of rupees to any individual and five lakhs of rupees to the Government. The Bank of England was prohibited likewise in 1695 to lend money to the Government without the previous consent of Parliament. The Bank's rate of interest was not to rise higher than 12% and the Bank of England was also prohibited, till the year 1839, from raising its rate above 5%. It was only after repealing the usury laws in 1839 that the Bank of England could discover the effective control exercised by its discount rate in the London money market. The charter also provided that (1) a cash reserve of at least  $\frac{1}{3}$  of the outstanding liabilities payable on demand should be kept, (2) total liabilities of the Bank including deposits, note-issues, etc., were not to exceed the Bank's capital of 50 lakhs of rupees.

<sup>1</sup> Mr. J. M. Keynes, "Indian Currency and Finance," p. 201.

crushed by direct official interference. The control over the new Boards should therefore be exercised from without and not from within. So long as the officers of the Government would be at the head of the Boards, there was little chance of non-official members taking any serious interest in the work of these institutions and exercising any initiative of their own. The self-governing bodies should on this score be allowed, in as many cases as possible, to elect their own chairmen.\*

The Government of India expressed itself very unequivocally no doubt in this resolution of the 18th May, 1882, in favour of elected chairmen in as many cases as possible. But its opinion on this point at least was really not yet quite fixed. It appeared still to be open to correction. This was clearly brought out in the reply which it sent only thirteen days later (on the 31st May, 1882) to the communication of the Government of Bengal, dated the 8th April, 1882. In this letter the Government of India asked the Lieutenant-Governor of Bengal to take it that the emphasis which it had placed upon non-official chairmen should apply more to municipalities and less to the District or Local Boards. It of course reiterated its views as to the importance of the Boards exercising jurisdiction over smaller areas. It suggested that if possible there might be two Boards for one sub-division and on no account the area covered by a Board should be larger than a sub-division. But while on this point the Government of India appeared to have made up its mind, on the question of control from within through official chairmen it was no longer so emphatic. It had in fact relaxed its opposition to a large extent to the idea of official chairmen.†

It was about this time that there was a change in the Lieutenant-Governorship of Bengal. Sir Rivers Thompson was now appointed to this office. His outlook was liberal and he was earnest in his support of liberal principles in administration. Up till now the Government of India was

\* *Ibid.*, pp. 27-31.

† *Ibid.*, pp. 87-88.

in favour of making the local bodies as far as possible autonomous and the Government of Bengal was urging caution. Now it was the Government of Bengal that was eager to go forward while the Government of India thought it right to tighten the brake. On July 19, 1882, the Government of Bengal sent a letter to the Government of India to the effect that it had been converted to the view-point that the Local Board should be free in as many cases as possible from internal control by official chairmen. It was also of opinion that the members of these bodies should be largely elected by the people. As regards the external control, Sir Rivers Thompson's Government was of opinion that it should be exercised neither by the local officers nor by the Provincial Government direct. It suggested that a Central Provincial Board should be set up, consisting of three members for the supervision of the local bodies all over the province. The Chairman of this Board should, for the time being at least, be an officer of the standing of a Divisional Commissioner.\* This idea of the Central Board did not meet with the approval of the Government of India which scouted it on several grounds. The establishment of such a Board might lessen the sense of responsibility on the part of the Provincial Government, which would be undesirable. The Board again would hardly be a representative body. It would in fact be an official body and consequently the people would look askance at it in the same way that they would at the control exercised by the local officers. Thirdly, the establishment of the Board would involve an expenditure which would not be commensurate with the services which it might render.†

For over one year letters were thus frequently exchanged between the two Governments and ideas at last seemed to settle down as to the nature of the scheme of local self-government which should be brought into being. On January 20, 1883, Mr. Colman Macaulay, Secretary to the Government

\* *Ibid.*, pp. 89-90.

† *Ibid.*, pp. 98-100.

of Bengal, moved for leave to introduce a Bill in the Bengal Legislative Council for the extension of local self-government in this province. There was no provision in this Bill for District Boards. It was not thought necessary that such Boards should be created even for purposes of control and supervision. It was rather thought that the introduction of the District Boards would undermine to a large extent the utility of the Local Boards. The first principle of the Bill was therefore that the area under a Board might be smaller than a sub-division but was not to be larger than it in size. The second feature was that the area under every Local Board should be divided into a number of unions of villages and each such union should be placed under a Union Committee. It was thought that while higher District Boards would be more a hindrance than a help to the cause, the lower Union Committees would be excellent auxiliaries. The Local Boards and the Union Committees were expected to make a good combination. The former would consist of members coming from educated classes and sharing their political enthusiasm, but not necessarily with local knowledge of all parts of the sub-division. The members of the Union Committees on the other hand would be recruited from people without much of education and political enthusiasm but with real knowledge of the conditions of the localities. They would therefore be proper and useful complements of the Local Boards, which would initiate policy for the smaller Committees to carry out. The Union Committees would not have any police power which would continue to be vested in the *panchayats* created by the Act of 1871. They would be concerned only with those duties which would be given to the Local Boards.

The third feature of the Bill was that the elective principle was frankly accepted. As for the Union Committees, they would of course be constituted by election but this election would be an informal affair. Two-thirds of the membership of the Local Boards however would be returned by formal election, the voters being the members of the

Union Committees and a number of other persons with special educational and property qualifications. One-third of the members of every Board would be nominated, so that all groups of people might be properly represented in the Boards. The fourth feature was that every Local Board would have the right to elect its chairman and vice-chairman subject of course to the approval of the Government. The Board might choose these office-bearers either from among its own members or from outside. It would have the option to choose the Sub-divisional Officer in the capacity of the chairman. In fact its discretion in this matter was to be unrestricted.

The fifth feature of the Bill was that the control of the Government which was to be exercised from without was not to be vested in the District and Divisional Officers. In case they were to exercise it, there was the risk of interference even in petty details. It was accordingly thought wise that the general powers of control and supervision should be placed in a Central Board. It should be repeated that this idea of the Central Board was not approved of by the Government of India. The Provincial Government however persisted in its enthusiasm for such a Board and incorporated a provision for it in the Bill.\*

On March 3, 1883, Mr. Macaulay in moving that the Bill should be referred to a Select Committee of the Council returned to the topic of the District Boards. He pointed out that the Bengal districts were a mere fiscal unit. The different parts of a district were only artificially kept together for administrative convenience. It had no organic unity. Under these circumstances it was better that the sub-division should be the unit of local self-government.†

The Bill was not received very warmly by the Indian members of the Council. Messrs. Harbans Sahai and Bhudev Mookerji attacked it on the ground that there was no provision for a District Board. They were of opinion

\* Proceedings of the Bengal Legislative Council, Vol. XV, 1883, pp. 9-21.

† *Ibid.* p. 49.

that people had already a considerable experience of District Committees and it would be unwise to depart from an arrangement to which the local people had become accustomed. Besides most of the educated and public-spirited men lived a good portion of the year in the district town. It would have been easier therefore to attract the best men available in the district to the District Board but it would be a problem to find sufficiently suitable men for work in the Local Boards. Secondly, the latter were expected to be too narrow in outlook to appreciate the nature of the responsibility thrust upon them. Thirdly, the District Boards as supervisory authorities would have been more helpful and more efficient than the distant Provincial Board, which would hardly have the local knowledge and experience to watch vigilantly the work of the Local Boards and extend to them that advice and guidance of which the District Boards would be capable.

The Bill was also attacked by some that it did not go far and by others that it was too radical. Maulvi Mohamed Yusuf was of opinion that there were too many checks upon the authority of the Local Boards and it would be rather difficult for these institutions to work properly and efficiently unless they were given a comparatively free hand. He attacked especially the provision in the Bill that the Boards might at their discretion elect the Sub-divisional Officers to be their chairmen. He thought that this provision was ominous. So great was the influence of the local officers of the Government that if the Sub-divisional Officer wanted to be the chairman, the Local Board would have practically no option in the matter. It must proceed to elect him. The implication of the provision being this, it was only inevitable that the Local Boards also would be as much crushed by the interference of the local officers as the District Committees had been in the opinion of the Government of India.

Mr. Paul, the Advocate-General, felt satisfied on the other hand that the country was not sufficiently advanced and

the people had not the necessary qualifications for the responsible and difficult task of local self-government. The elective principle, he was convinced, would not work at all. The Government was only making a wild goose chase.\*

It was expected that the Bill modified in some details by the Select Committee would be in the course of a few more months placed on the statute book. But its framers had really counted without the host. The scheme embodied in the Bill had secured the assent of the Governor-General in Council, but the Secretary of State now took serious objection to some of its features. The idea of the Central Board especially was not to his liking and the Government of India communicated early in August, 1883, his refusal to sanction this part of the scheme. The Secretary of State insisted instead that the supervisory powers assigned to the Central Board should be vested in District Boards presided over by the District Magistrates. The Lieutenant-Governor was now invited to consider this suggestion which in fact amounted to the revival of the District Board plan rejected by the Government of India and by the Government of Bengal.

The Lieutenant-Governor found it impossible to accept the idea of the District Boards. He thought "that efficient and independent working of the Local Boards would be endangered by the establishment of the District Committees." Besides some of the powers assigned to the proposed Central Board could not be exercised by the District Boards. They must be exercised either by the Government or by the Commissioners of Divisions. He had no alternative but to be reconciled to the rejection of the plan of the Central Board. He however adhered to the plan of the Local Board as the highest unit of local self-government. His objection to the District Committees as suggested by the Secretary of State was all the stronger on the ground that they were to be presided over by the District Magistrates. It was his deliberate view that the place of the District Magistrates was outside

\* *Ibid.* pp. 54-80.



and not inside the local self-governing organisation. Any way the plan of the Central Board was now dropped, the powers vested in this body were made over to the Divisional Commissioners and the scheme thus recast was forwarded to the Government of India for sanction.\* The latter approved of it and recommended it to the Secretary of State who however stuck to his scheme of District Committees with the District Magistrates at their head.

The Government of Bengal had now no option in the matter. All the time that this controversy was proceeding, the Select Committee to which the Bill had been referred remained idle. This Bill was now recast in the light of the suggestions of the Secretary of State and on the 9th February, 1884, Mr. Macaulay informed the Council that the Select Committee would now meet to consider this recast measure. For about one month and a half the Committee worked at the Bill and a preliminary report was presented to the Council on March 29, 1884, by Mr. Macaulay. He pointed out that much difficulty was being experienced by the Select Committee in constituting District Boards only for purposes of supervision. If a regular system of Local Boards could be set up in every district, the District Boards might be established only in this capacity. But there were districts in which only one Board could be, in the existing circumstances, brought into being. In such areas the Board that was to supervise must also be the administrative authority. Consequently the plan which the Select Committee had devised was that where there was only one Board, the District Board would be itself the working and administrative body but where there were both Local and District Boards all or any of the administrative powers might be conferred upon the Local Boards and the District Board might be contented only with controlling and supervising functions.†

\* Mr. Colman Macaulay gave an account of what had passed between the different Governments in the Legislative Council. See *Proceedings*, Vol. XVI, 1884, p. 43.

† *Ibid.*, p. 164.

The Select Committee took another full year to consider the details of the Bill and it was not till March 14, 1885, that its further report was presented to the Council. (Mr. Macaulay in presenting the report observed that the underlying principle of the Bill was that the scope of local authority was to be enlarged but efficient direction was at the same time to be secured. ( Simply because the District Magistrates might be placed at the head of the District Boards, there was the chance that these institutions would work on proper lines and it was on this account that the Government could trust these bodies with the powers that were actually being conferred on them. (He also observed that according to a schedule annexed to the Bill the Government was contemplating the introduction of the measure in its entirety in seventeen districts at once. In other words in these districts, a Local Board would be established in every sub-division and a District Board would be set up over their head.) (Two-thirds of the membership of these bodies would be elected by qualified residents.) As circumstances would improve, this measure would be applied in a similar way to other districts as well. The recast Bill did not find much favour with the non-official members. The provisions with regard to the relations of the local officers *vis-a-vis* the local bodies had damped their enthusiasm. Kumar Baikuntanath De voiced their opinion when he observed that this measure would not be fulfilling the hope which had been raised in the people's mind by the earlier discussions on the subject.\* The Bill however, was passed by the Council on April 4, 1885 and became Act III of that year.

This Act has been in force during the last half a century. In 1932, it was amended in certain particulars at the instance of the Minister in charge of Local Self-Government but in fundamentals there has been no change. In 1931 a conference was held at Darjeeling. It was presided over by the Minister and attended by the chairmen and vice-chairmen of

\* *Ibid*, XVII, Part 1, 1885, pp. 85-88.

the different District Boards. It was to discuss the alterations that were immediately necessary in the provisions of the Act so that the defects that had been brought out by the working of the measure for this long period might be rectified. It was in the light of these discussions that the Amendment Bill was introduced in the Legislative Council. In view of the fact that the constitution of the country was expected to be changed in the near future, the Conference set its face against fundamental changes in the local self-governing organisation of the province. The structure therefore remains practically as it was set up by Act III of 1885.

It should be noted that the Union Committees were an important and basic feature of the original Bill which Mr. Macaulay introduced in the Bengal Legislative Council. In the recast Bill also which became Act, the provisions for these institutions were not cut out. (But as the District Boards were now set up, the utility of the Union Committees was practically gone as executive agencies. There was no room for three sets of local bodies entrusted with the same duties and functions. Although the District Boards were established ostensibly for purposes of supervision and control and the Local Boards were meant to be the working Committees, in practice the District Boards themselves performed most of the work while the Local Boards continued to be in charge of those duties only which the District Boards at their discretion delegated to them. This became possible by the fact that the Act made the District Boards alone corporate bodies while the Local Boards were not to have any independent authority and any source of income of their own. In view of the fact that the Local Boards themselves became only the agents of the District Boards, the Union Committees lost their *raison d'être*. Later on of course village institutions were set up (by Act V of 1919). But they were established as independent authorities and not as mere auxiliaries of the higher Boards. These institutions will be studied in the second part of the book.

## CHAPTER II

### CONSTITUTION OF THE DISTRICT BOARDS.

In all the districts of Bengal except one, a District Board has been introduced by notification of the Government.\* The membership of a Board is to be determined by the Government from time to time provided it is not less than 9.† In fact, the membership varies in the Bengal districts from 18 to 34. In Howrah, Maldah and Bogra, the total number of members is fixed now at 18 while that in Midnapore it is fixed at 34. The membership of the other District Boards stands midway between these two figures.

(Under the statute, a Board may be wholly appointive or partly appointive and partly elective. In case there is no Local Board in a particular district, all the members of the Board are to be nominated by the Provincial Government. But as Local Boards are introduced, a proportion of the members would be open to election. The provision of the statute is that when the full quota of Local Boards is set up, at least half the membership of the District Board is to be elective.‡) At present in all the 26 districts in which there is a District Board, the full number of Local Boards has been established and consequently the elective system has been brought into operation in every district. Only in one case, half the number of members is not yet elected. In 24 districts, two-thirds of the members are returned by election. In one district (Darjeeling), half is nominated and half elected. It is only in Jalpaiguri that circumstances are still

\* Sec. 1.

† Sec. 7.

‡ Sec. 7.

regarded as exceptional and out of 24 members of the District Board 10 only are elected, and the rest are nominated.

(The reason why the elective principle is dependent upon the introduction of the Local Boards is that election to the District Boards is not direct. The statute has made it indirect and the Local Boards are for this purpose to act as the electoral colleges. When the Local Self-Government measure was first mooted in the eighties of the last century, the people were unaccustomed to the principle of election. It was being introduced for the first time. Consequently it was thought wise that only for election to the Local Boards, the primary voters would be entitled to exercise their franchise. But over the election to the higher body they would have no direct control.)

(It is the Local Boards that have for the last fifty years returned the elective element to the District Boards. The Local Boards are not however large bodies. Under the Statute,\* the total number of members of a Local Board cannot be less than 6. But with this restriction the Government may fix the number of members of the different such Boards at its discretion.) At present the membership varies from 9 to 30. In more than 25 of the Local Boards, the total membership does not exceed 12 and in more than half of these bodies, it does not exceed 15. (It is these small bodies of men which are entrusted with the right of electing the members of the District Boards.)

(The Local Boards may choose the members for the District Board either from among their own membership or from external candidates.) In a recent election (1934) to the District Board of Dacca, the Local Board of the Manikgunge Sub-division chose 3 out of the 4 elected members from outside and 1 only from its own body. In the elections to the 24-Parganas District Board, however, it has become the common practice with the Local Boards not to entertain as a rule any candidature from outside. (Those only who have been

returned to the Local Boards either by election or nomination, have under normal circumstances any chance of being elected to the District Board. The practice followed in 24-Parganas prevails in many other districts as well. (Roughly it may be said that about fifty per cent. of the members of the District Boards are also members of the Local Boards. The rest are chosen from outsiders, by the Government and by the Local Boards.)

Indirect election to one local body by another does not involve the same evil which is associated with indirect election to the central or provincial legislatures. (In the latter case, if the local bodies are the electoral colleges, their own elections are determined less by local considerations and more by political exigencies. Politics in other words is carried to these institutions and their primary functions are lost sight of during the elections. Election to the District Board by the Local Boards however does not involve this danger. The latter are but auxiliary institutions and are concerned with the discharge of the same duties as the former. The questions that should come uppermost in the elections to the District Boards become prominent in the Local Board elections as well.)

But the other undesirable features of indirect election are present to a large extent in the system of election to the District Boards, which prevails in this province. (When small groups of one dozen or one score of men constitute the electoral colleges, it may be expected by inexperienced people that only the right men will be chosen as representatives to District Boards. The members of the Local Boards are themselves picked men and they should elect only those who are best fitted for public work.) Theoretically it may sound very nice but actually it is not by deliberation that the choice is made. For days before the election, the candidates whose number is invariably at least double that of the number of seats to be filled are out canvassing. (All kinds of influences are brought to bear upon the members of the Local Board and temptations and threats of different varieties are dangled

before them. Few of the members can withstand these influences at work. They cast the ballot paper ultimately in favour of not that candidate whom they possibly most respect but those candidates whom they fear or from whom they expect some kind of personal service.) There has been so far no rumour of actual bribery being indulged in. But although illegal gratification of this kind has not been up till now a feature of these elections, other influences have been universally at work.

One of the worst of these influences has been exercised by the Sub-divisional Officers. They are the local representatives of the Government. Their influence over different classes of people is enormous. Their sense of prestige and power is also very great. They are almost invariably appointed members of the District Boards. Once in the District Board, they think it is due to them that they should be supported unfailingly by the non-official representatives from their respective sub-divisions. It wounds their prestige and position if they are not recognised as the leaders of the sub-divisional groups. (Sometimes the members elected to the Local Boards turn out to be quite independent and they refuse to be led by the officers of the Government. This independence however rouses the ire of the latter and sometimes costs these members their seats. There are many instances of such independent members not being re-elected by the Local Boards. The Sub-divisional Officers secretly oppose their candidature and bring about their defeat. Interference of this kind is more noticeable in distant districts than in the neighbourhood of Calcutta.) But even in the sub-divisions of the 24-Parganas district it is now and again noticeable.

Before the date of election, the Sub-divisional Officer in many instances receives at his bungalow some of the members of the Local Board and asks them to vote for this or that candidate. The words are then passed on to other members and all of them as a rule act accordingly. (Sometimes the Sub-divisional Officers set up candidates on their own initiative and they are almost invariably elected. It is not really

difficult for them to influence and even to control such a small body of men as the Local Board is.\*)

(Now if this system of election by the Local Boards is abandoned, there are two alternatives which may be resorted to. The members of the Union Boards in a sub-division may constitute an electoral college for the return of members from that area to the District Board. It is likely that such a college will consist in average of about one thousand men. A constituency of this character has certainly much to commend itself to us. The members are chosen men and are likely to vote intelligently. The election expenses will be small and poor but capable men may have a chance of being elected to the District Board.) But this arrangement also cannot be expected to be free from the evils which are associated with indirect election. In fact, there are several very cogent objections to this system being adopted. (An assembly of picked men may tend to support only those candidates who belong to their own body. None but members of the Union Boards may find favour with them. This tendency will be disastrous.) Members of the Union Boards may somehow carry on the work of the village institutions, but few of them will make suitable candidates for the District Board. (If election by the Union Board members is introduced and if it results in confining the membership of the District Board to the personnel of the Union Boards alone, the administration of the District Boards is sure to deteriorate) Secondly, it will afford sufficient scope for the Sub-divisional Officer to exercise his influence in the election. The Presidents of the Union Boards are as a rule under his thumb and the ordinary members also are eager to propitiate him in every possible way,) Thirdly, it will provide sufficient room for corruption. Not to speak of the ordinary members, the Presidents also

\* It is known that the Government has not so far approved of such interference on the part of the local officers. Even the District Officers have been found on occasions to reprimand Sub-divisional Officers on the score of their interference. The writer also knows that in one case at least a Sub-divisional Officer was transferred elsewhere only because he was poking his nose into the local elections.



have been found in many places to be open to illegal gratification.) That being the case, it is not unnatural to think that wealthy candidates will find it not very difficult to purchase votes from the members of such a limited constituency. (Lastly, elected by a chosen body, the members of the District Board will not have any direct association with the people at large, without which they cannot possibly develop the proper sympathy for their needs and the proper desire to look to their interests.)

Direct election appears to be the best course to resort to, for the return of members to the District Board. This will obviate the evils of indirect election and establish an intimate contact between the members of the Board and the people whose interests they are to look after. Objections may be taken to this proposal on the ground that it will not rouse sufficient enthusiasm and many candidates will not come forward to woo large popular constituencies. The experience of England may be cited as a warning. A distinguished author, W. A. Robson, has embodied the result of personal investigation in his book, *The Development of Local Self-Government*, to the effect that very little interest is taken in England in the elections to the County Councils. In one election, he tells us, seven seats only were contested in Somersetshire. In West Suffolk there was only one contest. In the East Riding of Yorkshire 43 out of 54 councillors were returned unopposed. At Keighley in the West Riding only 878 persons voted out of an electorate of 8,500 (p. 87). He naturally after recording these figures comes to the conclusion that "the spirit of democracy has not penetrated County Government, no matter how broad-based the legal franchise may be. In practice, the County Councils remain to a large extent the play-ground of the leisured classes."

In Bengal, however, the situation is otherwise. The interest of the people in the local elections has turned out for some time past to be quite immense. The Bengalees are now impregnated with politics. Elections to the District Boards are indirect and consequently afford little opportunity

for popular enthusiasm to be evoked. But the Local Board elections supply an index of popular interest. In the beginning of the century they left the people more or less cold. Our men had not yet become politically alert. In the Resolution of the Government of Bengal on the Working of the District and Local Boards for 1906-07, for instance, we come across the fact that in the District of Midnapore, there was some interest in the Local Board elections only in Contai. Out of 11 constituencies, in fact, election to the *Sadar* Local Board was successful only in 4. What was true of Midnapore was also true to a great extent of Howrah and some other districts. But the outlook of the people has changed very rapidly since this observation was made. After the War specially, election fight has become a common craze with men even of moderate means. Many people who would formerly find an outlet for their pugnacity in litigation in Courts now resort to election campaigns.

For election to the Local Board a Sub-division is divided into several territorial constituencies. Each of them covers a large area, being in fact, conterminous with a *thana* (police circle). The voters are required to have the same qualifications as those in the Union Board elections. It is not easy to approach all these voters. They live in out of the way places and communications, though better than formerly, are still bad. All the same, however, enthusiasm is keen and it is very seldom that in a constituency election is uncontested. Out of 63 *thanas* about which information has been collected, in only 7 there was no contest in recent elections. Even in these 7, members were returned unopposed only because the nomination papers of the rival candidates were not found on scrutiny to be duly filled in and were consequently rejected. In only one case one candidate alone stood from a *thana* in a northern district. He is an outstanding man of the locality and commands considerable prestige in that area. Opposition to his candidature was expected to be fruitless and consequently none else ventured to contest the election. Unfortunately his nomination paper was found

to be at fault and rejected. The election was declared unsuccessful and the seat filled by nomination. Not unoften three candidates for one seat are in the field and resort to a triangular fight. They whip up the voters and not infrequently more than 75 per cent. of them exercises the franchise. Some time ago, in the Sub-division of Baraset, in one constituency from which my informant stood as a candidate, 82 per cent. of the voters cast their votes.

If direct election to the Local Boards may be so successful and create such interest, it stands to reason that such election may be, without difficulty, adopted for the constitution of the District Boards as well. In the Local Board a member does not enjoy much prestige nor has he the opportunity of exercising much power. Very few of the candidates who contest the elections for the Local Board expect to be returned to the District Board. They look only to the prize which the Local Board may vouchsafe to them. This has proved to be sufficient incentive for their engaging in the election fights. But in the District Board one may look forward to greater honour, position and power. Consequently, election to these Boards, if it is made direct, is likely to enlist keener interest and rouse greater enthusiasm. True, the constituencies will be larger in size. But they are not likely to be larger than twice the area of the existing *thana* constituencies of the Local Boards. In the district of Dacca the number of elected members to the District Board is 22, while the number of elected members of all Local Boards in that district is only 37. If the proportion of elected members to the District Board is not much increased, the popular constituency for a member of this body will be smaller in size than twice the area of an existing Local Board constituency. In the district of 24-Parganas the number of elected members to the District Board is 20, while the number of elected members of all the Local Boards is 47. The size of a popular constituency for the member of a District Board will be therefore slightly larger than twice the area of a Local Board constituency. But if we take into consideration the

fact that some of the Local Board constituencies return at present two members, we may safely assume that the popular constituency of a District Board member is not likely in any case to be larger than twice the area of a *thana*. Of course, in the two biggest districts of Midnapore and Mymensingh, if the number of members is not increased and the existing proportion between the elected and nominated elements is maintained, the constituency will cover the area of about three *thanas*. But it will be unwise to maintain the existing size of these two districts. Their partition has long been contemplated and at least for purposes of Local Self-Government, each of them should be divided into two or more units. Mr. Graham, the District Magistrate of Mymensingh and the Official Chairman of the District Board gave it out as his opinion in his report on the Administration of the Board for 1930-31, that, it was impossible for the executive of the Board to supervise properly its work in the outlying parts of the district. Besides the travelling expenses of the members ate up a considerable portion of the Board's revenue. It was his opinion that at an early date the district should be split up and instead of one District Board there should be several. It is time that this suggestion is accepted by the Government. If the biggest districts are this way partitioned, the size of a District Board constituency will nowhere be unwieldy and unmanageable by candidates of moderate means.

We have seen that at present in most of the District Boards two-thirds of the members are elected and one-third nominated. Up to 1932 this nomination was vested by statute in the Commissioner of the Division. The Amendment Act of this year has, however, transferred it to the Minister of Local Self-Government. Those who are nominated fall into two categories—official and non-official. The statute lays down that not more than half of the nominated members may be salaried servants of the Government. The percentage of officials varies in fact from district to district and from time to time in the same district. During the year

1931-32, it was 12.3 in Burdwan, but in Howrah it was 16.3. The Sub-divisional Officers are in most cases appointed members of the Board. In some districts, the District Inspector of Schools and the Civil Surgeon are also now and then appointed in this capacity.

The question now arises if the appointment of Government officials to the District Boards is still helpful and necessary. Years ago when the popular element was introduced as an experiment only and when there was uncertainty if a non-official body would be in a position to run the administration at all, a sprinkling of officials among the members might have been regarded as a steadyng factor. Accustomed to administrative work they might be expected to bring to bear upon the discussions and decisions of the Board their experience. But at present there is no questioning the fact that the system has succeeded. Administration may not be everywhere very efficient and unimpeachably honest. Roughly speaking, however, it has been carried on smoothly. The official element may consequently be dispensed with. It may be urged that the local knowledge of the Sub-divisional Officers is a great source of strength to the Board and it should be retained. Besides the non-official members of the Board may have an axe to grind. They may so manipulate things as to make the Board concentrate its activities in matters of water supply, hospital facilities, etc., in localities where they themselves happen to reside, to the detriment of other parts. The Sub-divisional Officers who tour through the area of their Sub-divisions and come in touch with diverse people, are expected to be a corrective in this sphere. They may try to make the works of the Board more evenly distributed. But it has been found in practice that these Officers seldom assert themselves in these matters. Their local knowledge is not unoften exaggerated. The nature of their inspection tour is not such as to make this knowledge very detailed. In many Sub-divisions, the Officer's maximum period of stay is only two years, the first of which almost runs out before he can get a

fair idea of this large area. Again not infrequently an Officer is transferred only after a few months' stay. He is consequently not likely to have sufficient experience and knowledge to be a check upon the vagaries of the non-official members. Besides, if the members of the District Board are directly elected, they will be required to respond more readily to the needs and demands of the people in every part of their constituencies. There will be no necessity of any official agency to remind them of their real duties.

The Sub-divisional Officers should cease to be associated with District Board administration on two other important grounds as well. As already mentioned, they develop almost a personal interest in the elections and try to influence them in their official capacity. This is because they happen to be in the Board themselves. Secondly, as administrative heads of a large territorial slice of the district, they think too much of their position and do their best to belittle that of the chairman of the Board who is both the president of its meetings and the executive head of its administration. They want to make him only an instrument in their hands. An able and strong chairman will naturally carry on the work of his office in his own way and according to his own lead and light. But the Sub-divisional Officers who are on the Board want him to take his inspiration from them and act according to the methods they dictate. The relations consequently are liable to be strained. The Sub-divisional Officers again have been found in certain places to be the centres of cliques and cabals. They win over some of the nominated members and even some elected members to their side and form a group which has to be conciliated or it will impede the steps of the chairman and will be a constant thorn on his side. The only way out of this tangle is the withdrawal of these officers altogether from the District Board.

As a rule, more than half of the nominated members is non-official. In the first instance the Sub-divisional Officers suggest the names of several men who may be so nominated. The lists from different Sub-divisions are then submitted to

the District Magistrate, who recasts them by deleting some names and adding one or two if he thinks necessary. His nominations are then forwarded to the Divisional Commissioner who up to 1932 was the final authority in this matter. But as a result of the Amendment Act passed in this year, the final authority has been vested in the Minister for Local Self-Government. Usually, he approves of the nominations as submitted to him by the Commissioners of Divisions. In certain cases, however, he has been found to add names on his own initiative. Even before the Act was amended, the Minister in Charge was found in certain instances to recommend to the Divisional Commissioners the names of certain persons for nomination. It is not unlikely that under the new regime men who would be unable to persuade the local officers to put their names in the list will approach the Minister in an ever increasing number and it is expected that such direct appeals to the Minister will be effective in a growing number of cases.

As regards the general calibre and social standing of persons hitherto nominated to the District Boards, it may be said that in some cases at least they have been superior to the average elected members. On this ground it may be contended that the principle of nomination should be maintained. Again it is argued that through the method of nomination, the representation of minorities has been ensured in the District Boards. But although some of the nominated members have experience, knowledge, social standing and prestige to their credit, they have all along suffered from lack of independence. Nominated by the local officers of the Government, they have to act up to the wishes and desires of these authorities. Now and again of course, some nominated members have discharged their business according to their own lead and light and without any reference to the wishes and demands of the local agents of the Government. But it has been found that this independent conduct on their part instead of being appreciated by the nominating authorities was responsible for their displeasure. And as a

result, on the expiry of their term they have not been re-nominated. Such being the position of these members it is good that the principle of nomination by the Government is abandoned altogether. For the representation of minorities also it is no longer quite necessary. The Amendment Act (Sec. 10A) has empowered the Government to declare in a district a particular community to be a minority and reserve for it elective seats on the Board on the basis of population. In the district of Dacca the Hindus have been declared to be a minority community and out of the 22 elective seats in the Board 7 have been reserved for them. In Howrah again, the Moslems have been declared to be a minority community and out of 12 elective seats in the Board 3 have been reserved for this minority. Beyond this reserved number the members of a minority community are entitled to contest other seats as well. This being the provision of the Act, it can no longer be said that nomination is essential for the representation of minorities. It can and should be done away with.

It may of course be arranged that a certain proportion of the seats in the District Board, say one-fourth, should be filled by co-option. This principle has been introduced in the Municipality of Calcutta where the Act provides for the election of five Aldermen by the elected and nominated Councillors. Once of course this provision was incorporated in the Calcutta Municipal Act the principle of nomination should have been abandoned in the case of this city. But any way as regards the principle of co-option, the Calcutta Corporation has set a precedent which may be followed with profit by the other local bodies in the province, both municipal and rural. Such an arrangement for the co-option of members will be in line also with British practice and tradition. In the County Councils of England, two-thirds of the members are elected by the people, while the remaining one-third is co-opted as aldermen. This co-option will give the elected members an opportunity of bringing into the Board certain persons of experience and knowledge who may

not for one reason or another stand for election. In order to give them a greater stability of position it may be arranged that their term of office should be longer than in the case of the ordinary elected members, and for ensuring some continuity of policy it may be provided for that they should not retire simultaneously. In this respect also British practice may be followed with profit in this province.

Up to 1932, the tenure of office of a District Board member was three years. Since then it has been raised to four years. The longer term was considered to be necessary for bringing into the Board persons who had not been attracted to it by the shorter tenure of office. There was a proposal that the term should be extended to five years. Ultimately, however, the four years' term was decided upon. Not only to attract more candidates but also to assure greater experience and knowledge to those actually returned, the longer term was suggested and ultimately accepted in a modified form. It is true no doubt that most of the members of a District Board have two terms of office to their credit. Twenty-five per cent. of them has experience of three terms and almost in every Board there are at least one or two elected members who have even served it for as many as five terms. All the same, however, the fact remains that raw men who are chucked out after the first term of office constitute a good percentage (in some cases as much as 33 per cent.). In the first year the members attend meetings only to learn the A, B, C of the Board administration. In the second year they feel more at home and begin to contribute to the working of the Board, but it is in the third year that they really become useful. As now, however, their services to the Board come to a close, they fail to be of much real value. It has been proper, therefore, that the term has been extended to four years. Of course, in the past also in certain cases a District Board once constituted continued to be in office for about five years though under the law it should have been replaced after three years. The District Board of Dacca elected in 1928 could not be replaced by a new Board

until 1934. Before the amendment of 1932 the Act provided for the jurisdiction of the Civil Courts over the elections of members. In the case of the Dacca District Board, the election of some members to the Local Boards was disputed, the matter was carried to the Civil Courts and through them injunctions were issued so that the new Local Boards could not meet. As they were not entitled to discharge any business elections to the District Board had to be held up. What happened to the District Board of Dacca was noticeable in the case of some other Boards as well including that of the 24-Parganas. Such prolongation of terms has, however, been made impossible under the amended Act of 1932. Election disputes have been withdrawn altogether from the jurisdiction of the Civil Courts. In case elections to the District Board are made direct in the future, the term of office of the members should be extended to five years. This change will, on the one hand, save frequent troubles on the part of the voters and ensure, on the other, longer experience and greater knowledge to the members.

Although a member is now elected or nominated for a period of four years, he may be removed any time by the Local Government on the ground of misconduct in the discharge of his duties provided this removal is recommended by a resolution of the Board "passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the whole number of members." \* Up till now there has been no case of removal under this provision. Nor is it likely that it will ever be utilized for getting rid of a dishonest member. If a person does not make himself universally hated by his colleagues, his removal will certainly not ever be recommended by such a large majority. The Act, however, has provided also for an easier method for removing a corrupt or a negligent member. Section 18 empowers the Commissioner of a Division to remove any member of a District Board if he refuses to act,

\* Section 17/A of the Act.

becomes incapable of acting, is declared insolvent, absents himself from six consecutive meetings of the Board without sufficient excuse, is declared by notification to be disqualified for employment in the public service or is a salaried servant of the Government whose continuance in office is undesirable in the opinion of the Commissioner. If removed by him on any one of these grounds, a member may appeal to the Local Government whose decision is to be final. Further, if a member is convicted by a Criminal Court of an offence which is looked upon by the Local Government as disqualifying, he may be removed by this authority from his position (Section 18/A).

There have been some cases of removal on the grounds enumerated above. As a rule, the attendance of members is very regular. In 1931-32, in eight of the Boards more than 80 per cent. of the members attended in average their meetings. In sixteen of the Boards more than 70 per cent. were so present and in twenty-two out of the twenty-six Boards more than 60 per cent. of the members were in average present in the meetings which were, as we shall find, not very infrequent. As a matter of fact unless unavoidably detained by illness or some other urgent work, the members make it a point to attend the meetings. Of course, it is not merely the call of public duty which draws the members so regularly to the Board meetings. The travelling allowances which are vouchsafed to them constitute an important incentive. Except in a few cases the members happen to be petty landholders, lawyers with moderate income and physicians with middling practice. They find it always possible to save something from the allowances and are not consequently willing, as a rule, to forego this small income by not attending a meeting. Love of power and influence is also ingrained in them but an absentee member has no opportunity of exercising either. If sense of duty does not make for regular attendance, economic motive and sense of self-importance ensure it. But although the members, as a rule, are seldom remiss in their attendance, there

are some who have not found it possible to be present in the Board meetings for six consecutive times. The Chairman of the District Board of Dacca in his Annual Administration Report for 1928 tells us that two of the nominated members failed to attend six consecutive meetings of the Board without sufficient reason and were consequently removed from their seats by the Divisional Commissioner. Dr. Herman Finer has referred in his book on *English Local Government* to the absenteeism of members in the English County Councils.\* But in these bodies there is no constitutional way of removing the indifferent councillors. In Bengal also, some are of opinion that the power to remove members of the Board which the Divisional Commissioner may exercise is unnecessary and should be withdrawn. It is difficult to agree to this point of view. So far as the vast majority of the members is concerned, this power has not touched them in the least. But for the few who choose to be so negligent as not to turn up in six consecutive meetings, it is a very healthy check and should continue to be vested in the Divisional Officer.

*Chairman* ✓ Every Board has a chairman. He is to preside over its meetings and to be responsible for the execution of its work. He combines in him the duties of the speaker and the chief executive officer. The Bengal Local Self-Government Act provides no doubt for the appointment of a paid executive officer for the Board.† But none of the District Boards have yet availed of this provision and appointed any such officer. Even if an executive officer is appointed, the chairman will not be divested thereby of his executive responsibility. He will only be relieved to a great extent of his executive duties. Unless the Act is amended and the executive officer is made responsible to the Board itself, he will be required to work under the supervision of the chairman in whom is vested by the Act the ultimate responsibility for carrying out the policy

\* P. 223.

† Sec. 33 (1).

enunciated by the Board. Any way, he is now responsible both for conducting Board meetings and for giving effect to its policy.

Section 22 of the Act lays down that the chairman shall be appointed by the Local Government or shall be elected by the members of the Board from among their own number if the Local Government should so direct. Of course, the election is to be effective only after it is approved of by the Local Government. Up to 1920, the District Magistrate was invariably appointed to be the chairman of the Board. Since 1921, however, the policy has been changed. Local Self-Government now became a transferred subject under the Government of India Act, 1919, and the late Sir Surendra Nath Banerjea became the Minister in charge of the Department. He saw to it that the Boards were given the privilege of electing their own chairmen. Except the District Board of Darjeeling, all the other Boards now came to have elected heads. In no case, the Government has so far disapproved of the election made by the Boards. When the late Mr. B. N. Sasmal was elected to be the chairman of the Midnapore District Board, he was known to be a fighting opponent of the Government policy of introducing Union Boards in this district under the Village Self-Government Act of 1919. Sir Surendra Nath became consequently perturbed over his election. But after some hesitation and on his explaining his position, the Minister confirmed his election.

Although the principle of election has thus been conceded to all the District Boards except that of Darjeeling in the matter of choosing the chairman, it may be any moment revoked if the Government find reasons to think that the elected chairman of a particular Board has allowed its administration to become lax and corrupt. If he participates too much in undesirable politics and is found to exploit his position as chairman for promoting any subversive political movement, he may be removed from office and his position filled by nomination. In 1930 it was found that the District

Board administration of Mymensingh under its elected chairman had become increasingly lax and ineffective. This functionary who was a busy legal practitioner had really no time to devote to the Board's work. The administration consequently deteriorated and the Government nominated a non-official Moslem gentleman of the district to be the chairman. He, however, failed to attend to his duties for months together and the work of the Board was consequently badly neglected. At last he had to go and the District Magistrate was appointed for one year to be the chairman.\* Under his supervision the finances of the Board were to a great extent stabilised and its administration was brought to a normal footing. With effect consequently from 1934 the elective system was revived and the new chairman was elected by the Board from among its own members. In two other districts, *viz.*, Midnapore and Bankura, the arrangement of electing the chairman was also suspended and has not yet been restored. The ground is mainly political.

The chairman is the mainstay and the keystone of the fabric of District Board organisation. It is upon his personality, ability, honesty and driving force that the efficiency of the Board administration largely depends. The conduct of the Board meetings is not a very mean function. As it requires detailed acquaintance with the rules of business and the procedure of meetings, so it demands considerable impartiality and dignity on the part of the presiding officer. Even if the chairman was only to preside over the deliberations of the Board, he would have been required to be a man of long experience of the working of the Board and of sufficient standing in society. But his duties are not limited to the conduct of meetings. He is also the executive head of the Board. He is expected to initiate the policy which the Board is to follow. He is to give lead to the other members as to the lines of action which the Board should take in the different spheres of its activity. He is in fact expected

\* Under Sec. 29/A (2) the term of office of an appointed Chairman is one year.

to take the initiative in formulating the policy of the Board and once it is so laid down it is for him to see that this policy is properly given effect to. The duties of the chairman are thus both responsible and exacting. He must be on the one side a man of sufficient leisure and on the other a man of sufficient administrative ability and social standing.

His position in the District Board is far more important than that of the chairman in a County Council in England. The latter has of course, "a large opportunity for power if he chooses to take advantage of it." (A. L. Lowell, *The Government of England*, Vol. II, p. 273). He can be the real mainspring of the whole County Government, but not unoften he is found to be merely a presiding officer. The committees of the County Council supervise the working of the different departments and initiate the policy which they are to follow, subject of course to the sanction of the Council which is in most cases given automatically. The permanent heads of departments are associated with these committees as their technical advisers and executive agents. For the co-ordination of the work of the different departments there is again the County Clerk who is the head of the permanent civil service of the County Government. The chairman has no statutory executive power, but as he happens to be the most experienced member of the Council, as he is habitually re-elected as chairman, and as in this capacity he is placed on every committee, he has an indirect opportunity of making his position felt in the initiation of all schemes and the execution of all policies. The chairman of a District Board in Bengal is on the other hand statutorily entrusted with the duty of both presiding over its meetings and executing its policies. He cannot divest himself of his executive responsibility without violating the statute and practically bringing the Board administration to a stop.\*

But although the chairman is burdened with such responsibility, his position is as a rule only precarious. Before

1932 he was elected only for three years and since then his term has been extended to four years.\* He is in other words to hold office during the life of the Board of which he is a member. In case of course, an official is appointed in this capacity he is to hold the appointment only for one year, he being eligible for reappointment. In the case of elected chairmen, their re-election is not very common. There are only few District Boards in the province in which their chairman has been in office continuously for about fifteen years. This re-election term after term, is only an exceptional phenomenon. As a rule no chairman remains in office for more than two terms. In one district a convention has been accepted to the effect that alternately the chairman should be recruited from the Hindu and the Mahomedan members. This has its advantages no doubt so far as the relations between the two communities are concerned. But it is inconsistent with the re-election of one person as chairman from term to term. If the chairman is to continue as the executive head of the District Board, a convention must be developed for his re-election in this capacity. It is not wise to have a new chairman after the lapse of every term. That only amounts to the loss of the experience which the retiring chairman has earned as an executive officer. In pre-Hitler Germany the Burgomasters of many cities were elected as a rule for a period of twelve years at a time. They were of course permanent and salaried servants of the city. But the fact remains that the chief executive officer of a fairly large local body, be he a civil servant or a public man, must be sure of a long term of office, otherwise the administration is sure to deteriorate. (The chairman of the District Board may be an honorary worker but as he is in charge of the executive administration it is essential that he must be a man of considerable experience in this field. The principle of rotation in office is entirely out of place so far as his position is concerned.

\* See. 29/A (1).

Either the Act should be amended, the chairman should be divested partially or wholly of his executive responsibility, and a separate executive functionary should be appointed by every District Board or his re-election should harden into a convention.

It is not merely the absence of re-election of the chairman which militates against the efficiency of the existing arrangement. (If amateurs are to be placed at the head of the administration of a District Board, it is at least essential that the amateur should be a man of sound common-sense, considerable leisure and established reputation as a just and honest man.) But generally it is found in our districts that men who have sufficient leisure are without any reputation for either ability or honesty or both. People again who inspire public confidence are as a rule without leisure. They are busy professional men. (Chairmen are in some cases recruited from among these latter, but as they are pre-occupied with their own professional work they find it impossible to devote sufficient time to the duties of the Board.) Somehow they snatch an hour or two to look over the files and issue orders. This does not make for efficient work. The chairman is expected to be on tour throughout the district for about three months in the year so that he may inspect the works of the Board at first hand. But in one Board we find during the year 1933-34, the chairman was on tour only for seven days.\* He had to delegate most of the touring work to the vice-chairman who had considerable leisure at his disposal. (But as the chairman is the more responsible officer and as the people naturally place more confidence in him, he himself should have time to inspect the works of the Board.)

In some cases the chairman belongs to the landholding class and may be expected to devote sufficient time to the administration of the Board. But he happens to be a member of the Provincial Legislature as well and his duty

\* Administration Report of Howrah District Board, 1933-34.

in his sphere requires him to stay, away, sometimes for months, from the district headquarters. Certainly this interferes very largely with his work as the head of the Board. In some instances again the chairmen live habitually away from the headquarters of the Boards. One of them is a professor of a Calcutta college and has to attend to his duties as such nine months during the year. It is only occasionally that he can go over to his district and discharge the duties of his office as chairman. (This fitful and intermittent attention to work on the part of the chairman cannot certainly be expected to make for efficient administration) Some time ago the chairman of another District Board used to reside habitually at his own house located within the district no doubt but far away from the headquarters. It was most unlikely that he could devote the detailed and day to day attention to his work which should be expected of the executive head of this important self-governing institution.

(It is true that the chairman has all along been assisted by a vice-chairman.\* ) Section 23 (2) of the Amendment Act of 1932 makes it possible for a District Board to have the services of a second vice-chairman, and some Boards like that of Burdwan have already taken advantage of this statutory provision. It is likely that in the near future the second vice-chairman will become a universal feature of District Board administration in Bengal. Small districts like Bogra and Howrah may not have sufficient work for three earnest executive officers but (political expediency will demand the election of the second vice-chairman all the same) The candidate for the chairmanship of the Board will be compelled to enlist the support of different groups of members by promising their leaders the office of a vice-chairman. When, therefore, the law has given the Board an option in this respect, it is inevitable that it will be availed of.

\* Under Sec. 23 (1).

The vice-chairman is elected by the members of the Board from among their own number. His election does not require any confirmation at the hands either of the Government or of the Divisional Commissioner. Only information as to his election has to be sent to the Government. Years ago when the District Magistrate was invariably appointed the chairman of the Board, the vice-chairman, if a non-official, was a leading man of the district. But since 1921, when the District Boards came to have elected chairmen, the office of the vice-chairman has not attracted as a rule men of the front rank. Of course there are some honourable exceptions. The present chairman of the 24-Parganas was for instance the vice-chairman of the Board for one term before he was raised to the present office. Rai Bahadur K. C. Banerjee who was for five years the chairman of the District Board of Dacca and vacated his office only very recently, also acted as the vice-chairman before his election as the head of the Board. It should of course be noted that at the time they were elected as vice-chairmen, they were not quite well-known and could not establish any reputation even in their own locality. But once in office they evinced merit and tact and consequently had little difficulty in being elevated to the position of the chairman.

The chairman delegates some of his functions to the vice-chairman.\* The latter has no statutory authority and jurisdiction of his own. He is only a deputy of the chairman. Generally the office and the medical department are placed in charge of the vice-chairman. Now and again the candidates for the vice-chairmanship negotiate with the prospective chairman as to the departments which they desire to control. In case an important department is not given to them, they refuse to support him and the prospective chairman has on many occasions been found to yield. (It is not the demands of efficient administration but the

\* Sec. 28 (2).

exigencies of election which determine the nature and character of the delegation of power to the vice-chairman.)

Although a function may be delegated to the vice-chairman the ultimate responsibility for its efficient discharge still attaches to the chairman who has consequently the right not only to control and veto the proposal of a vice-chairman but also to withdraw powers at his discretion. He can resume the administration of any department, which has been made over to the vice-chairman. (As the ultimate responsibility is by statute vested in him, it depends only upon the understanding between him and his deputy as to how much initiative and authority the latter should have opportunity of exercising.) In old days, when the District Magistrate used to be the chairman and a non-official member filled the office of the vice-chairman, the latter was seldom entrusted with real responsibility. Everything he had to do but with reference to his chief. The late Mr. Ambika Churn Majumdar, who was for long the chairman of the Faridpur Municipality and was associated for years with the District Board administration of his locality, complained before the Decentralisation Commission of 1908 that a non-official vice-chairman was invariably treated as nothing but a clerk by the official chairman.\* In the new regime also the vice-chairmen find themselves very frequently in no very enviable position. The quarrels between the chairman and his deputy have in fact become a sordid feature of District Board administration for the last 15 years. (Misunderstanding generally occurs when both are able and ambitious men.) In the District of 24-Parganas when Raja Rishikes Law happened to be the chairman of the Board, he once withdrew by a written order all the powers which had been delegated to the vice-chairman and resumed them himself. This was not because the vice-chairman exactly misused the powers but because the two could not see eye to eye and mistrusted each other. The relations continued to

\* Report (Parliamentary Paper, Vol. XLV of 1908, p. 195).

be equally strained between the chairman and his deputy during the time of the successors of the Raja. (Ordinarily the chairman is not expected to interfere in the working of the departments which have been delegated to the vice-chairman, but in case any of the works involves the expenditure of the Board's money, the order of the vice-chairman has to be countersigned by the chairman.)

It is because the relations between the chairman and the vice-chairman have so far been far from happy and cordial that a member of the Bengal Legislative Council suggested in course of the debate on the Local Self-Government Amendment Bill in 1932 that the distribution of powers and functions between the chairman and his deputies should be made by the Board itself.\* (It was in the mind of the member that both should derive their authority from the Board and should be responsible to it alone for its exercise, individually and separately.) (The position of the vice-chairmen was in other words to be co-ordinate with, and not subordinate to, that of the chairman. The suggestion was of course opposed by the members of the Minister's group and turned down accordingly.) But in opposing it Mr. Townend of the Indian Civil Service, then Secretary to the Department of Local Self-Government, observed that the suggestion was unnecessary. In case a chairman did not behave properly with a vice-chairman and withdrew from him his powers, the District Board would have sufficient authority to rectify the situation under Sec. 31A.† But this section merely lays down that the chairman shall exercise all the powers vested in the District Board provided he does not act in opposition to any order passed by the Board at a meeting. (This does not imply that the Board has authority to interfere in the delegation to, or re-transfer from, the vice-chairman in respect of any of his powers. This functionary appears to be absolutely at the mercy of his chief.)

\* Proceedings, Vol. XL, N. 2 (1932), p. 57.

† Ibid, p. 58.

True, the Board has the right to censure its chairman and thus compel him to resign. But that is an extreme step hardly to be contemplated in actual practice. Short of that, however, there is no other way for the Board to compel the chairman to behave more properly towards his deputies.

In view of the fact that the chairmen are in many instances busy professional persons with hardly any time for the work of the Board, and in view of the fact that the office of the elected vice-chairman is very often a source of recrimination rather than of help to the Board, it is time that some other method of supervising its executive administration should be resorted to. At present the District Boards have a secretary who is an important functionary no doubt but has no right to issue orders on his own authority to the departmental heads. (He is only the chief adviser to the chairman and the vice-chairman in the matter of calling and conducting the meetings of the Board and its Committees, in the matter of correspondence with the Government and its local officers and finally in the matter of enunciating executive policy and issuing orders to the departmental heads.) He lives and moves behind the chairman. He has no responsibility of his own. There is a suggestion that he may be given some executive authority over certain departments. (But this suggestion appears to be rather untenable. Even in a small Board the secretary has his hands full with his work as the adviser of the chairman.) It is consequently necessary that the Boards should utilise the power given to them by the statute and requisition the services of a permanent executive officer who may be made responsible for carrying out the policy as enunciated by the Board at its meetings.) The heads of departments like the District Health Officer and the District Engineer should be required to look to him for orders and guidance.

The question arises if with the appointment of such an executive officer, the duties of the chairman should be limited only to the conduct of the Board meetings. Many of the persons whose opinion is of value cannot reconcile themselves

to the idea that the chairman should be reduced to the position of a mere speaker. They appear to hold the view that the chairman should still remain responsible for the working of the Board but for his assistance and convenience of work there should be an executive officer. (In other words their idea is that the Board should have one non-official elected chairman and one permanent executive officer while the office of the vice-chairman should be abolished. In case the chairman fails to attend a particular meeting, one of the panel already selected may preside over it. This standpoint appears to be correct. In the first place even if the chairman is deprived by statute of any authority over the executive administration of the Board, he will still have sufficient opportunity of poking his nose into it by virtue of the fact that he will have command over the votes of the majority of the members.) In the city of Calcutta, the Mayor has been given no executive function by the statute. He is only to preside over the meetings of the Corporation and is to act as the ornamental and ceremonial head of the city. But in actual practice this functionary by virtue of this being, as a rule, the leader of the majority party in the Council dominates very largely the executive administration. The Chief Executive Officer and the departmental heads have to act on many occasions according to his orders and under his supervision. This arrogation of power which is not statutorily vested in him makes work very often difficult. (It is better therefore, that the chairman of the District Board should continue to be responsible for the administration of the Board's affairs. Secondly, it will be wise that the Chief Executive Officer should work under the supervision of some elected authority. In the County Councils of England it is the committees which exercise constant supervision and control over the expert officers of the different departments. But as we shall soon find, the committee system is not so well developed in the District Board administration of Bengal. Nor is there any chance that the committees will be endowed with greater authority and come to occupy a better position

in the future scheme of things. As for the Board itself it meets only once a month.) Nor is its size quite favourable to the exercise of detailed control over the work of the permanent officer of this institution. (It is consequently essential that the elected chairman should continue to exercise the ultimate authority over the administration of the Board. But instead of being helped by two honorary elected vice-chairman he should have by his side a whole-time executive officer. This arrangement will lighten the work of the chairman and will not give rise to a situation in which power will be exercised without responsibility or responsibility will be undertaken without power.)

This executive officer should be appointed by the Board at a meeting on a permanent basis. In the city of Calcutta the executive officers are appointed for a period of three years at a time. This has undermined the independence of these functionaries and given rise to other undesirable results. The arrangement of the Calcutta Corporation should therefore be a warning and not an example. If the District Boards are to be run on an efficient basis and if the executive officers are to have sufficient opportunities for exercising their discretion, they should be given a permanent tenure of office. We do not attach much importance to the sanction of the Government without which no appointment of the executive officers is final in the city of Calcutta. This may have some political value but this cannot ensure the appointment of the best of candidates. In case of the appointment of technical officers like engineers or health officers, the sanction of the Government has value in the sense that the selection of persons without proper technical qualification may be negative. But the executive officers are to be men with general administrative ability and no technical qualification can be demanded of them. (It need not, consequently, be suggested that the sanction of the Government should be required for the appointment of the chief executive officer of a District Board. But in case of his dismissal the approval of the Government should certainly be necessary, otherwise after every election

sufficient ground may be discovered by a Board for the dismissal of the executive officer and the appointment of a fresh man instead.)

Sec. 30A of the Act provides that the Board shall meet once in every month for the transaction of business. In case there is not sufficient business to be so transacted, there may be fewer meetings during the year. But it is obligatory that there will be at least nine meetings of the Board during this period at intervals of not more than six weeks. In the Resolution of the Government of Bengal on the working of the District and Local Boards, we find that in average there were in 1931-32 14.6 meetings per Board. There were three Boards which met 20 times, while two met only 7 times. These latter (the District Boards of Dacca and Mymensingh) deliberately cut down the number of their meetings. During the previous year they held 16 meetings each. But in 1931-32 they were badly off and wanted to avoid the payment of the large travelling and halting allowances of the members. So if they held only 7 meetings, that was not because of the indifference of the members but because this plan was deliberately decided upon.

The frequency with which the Boards meet suggests the actual position they occupy in the administration of their affairs. (In England, the County Councils are required by statute to meet at least 4 times during the year and we are told that very few of the Councils actually meet oftener. The affairs of the County are practically managed by the committees to which powers are delegated by the Council. The latter only meets at long intervals to see as to how things have been done and to carry out certain functions which cannot be vested in the committees, *e.g.*, raising of a loan. The size of the Councils very often makes it unwise that they should meet every month or more frequently. There are Councils with a total membership of about 150, and many of the members live at a considerable distance from the headquarters of the County Government. Except for enunciating general policy or listening to reports of work made by the



committees, it is out of the question for such large bodies to assemble. They cannot go into details of any particular work. The District Boards of Bengal are, however, otherwise constituted. The total membership of a Board does not exceed 34. In some cases, the number is actually far lower than this figure. This being the case it is not difficult for the Board itself to meet rather frequently and dispose of its work both as regards the enunciation of policy and the chalking out of details. *✓*

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## CHAPTER III

### COMMITTEES.

The District Boards of Bengal have certain standing committees some of which are statutory, while the rest are constituted at the discretion of the different Boards. Originally the number of statutory committees was only one—the Finance Committee. In 1908 the Legislature of Western Bengal and Bihar inserted a new section (65B) in the Act which required the appointment of the second statutory committee—that of Education. In 1912 the partition of Bengal was modified and Eastern and Western Bengal were reunited. Consequently two years later in 1914 this provision was extended to eastern districts as well. Before the Royal Commission on Decentralisation which reported in 1908, Raja Kishorilal Goswami and Raja Ranjit Singh of Nashipur appeared as witnesses. Both of them had considerable experience of the working of the local bodies. The former pointed out that Finance was the only Sub-committee which met at all. But although it met, it had very little to do. It was supposed to be constituted only for checking and auditing accounts. Raja Ranjit Singh observed that the budget, framed by the Vice-Chairman, was placed direct before the Board. It had not the advantage of previous discussion in detail by the Committee.\* The District Board was from the very beginning a sanitary authority indeed, but it did not take this function very seriously until recently. It was only the Amendment Act of 1932, which provided for a statutory sanitation committee.†

\* Report (Parliamentary Paper, Vol. XLV of 1908, pp. 47, 99.)

† Sec., 91.

There are in average five or six committees in every District Board in Bengal at present. Three of them are statutory. Under section 55 of the Act, every Board has to appoint a Finance Committee whose membership is not to exceed nine. There is no provision in the Act for any outsider being included in this Committee. All its members are consequently chosen from among the members of the Board. Before the Amendment Act of 1932 there was no limit to the number of members of this Committee. Every one therefore wanted to be on it and actually 16 or 17 members usually constituted it. The purposes for which the Committee was set up were thus considerably undermined. At the instance of the Minister of Local Self-Government it was embodied in the Act in 1932 that the membership of this Committee would be henceforward limited to 9. The Education Committee, which has to be constituted under section 65B has to include several outsiders. The Act lays down that the District Board is to appoint to the Education Committee three of its own members, the District Inspector of Schools, who is an officer of the Government and not more than three residents of the district not being members of the Board. As a rule, therefore, this Committee consists of seven members, three being members of the Board, three chosen from among the other residents of the district who happen to be teachers by profession and the District Inspector of Schools. In case this last functionary is nominated to the Board as a member, as he is sometimes so appointed, the total membership of the Committee is lowered to six. The appointment of non-members to the Education Committee is, of course, subject to the sanction of the Commissioner of the Division, but as a rule such sanction is given automatically. The third statutory committee is that of Public Health, which has to be set up under section 91 of the Act, and consists everywhere of seven members, six being nominated by the District Board from among its own members and the Civil Surgeon of the district being *ex-officio* associated with it. The Committee thus constituted is empowered

by the Act to co-opt certain outsiders whose number is not to exceed three. This co-option is not subject to any approval either of the Board or of the Divisional Commissioner. It is very difficult to appreciate the significance of the difference in this respect between the position of the Education and the Public Health Committees. While in the case of the former outsiders are not only appointed by the District Board but their appointment has to be approved of by the Commissioner, in the latter case the Committee itself has been given the right to co-opt them finally. The responsibility of the Education Committee is not certainly greater than what the Committee of Public Health is expected to discharge. The anomaly can possibly be explained by the fact that while the constitution of the Education Committee was determined as early as 1908, that of the Public Health Committee was shaped only in 1932. In the early years of this century people attached greater importance to Government control than they do now. The anomaly, however, should have been removed at the time that the Act was amended in 1932. But although there is a provision for co-option of outsiders to the Public Health Committee, up till now none of these bodies have yet availed of it. These committees, therefore, consist now only of seven members. Besides these three statutory committees every District Board in Bengal appoints a Public Works and Ferries Committee consisting exclusively of its own members. As it is not a statutory committee, its total membership is not limited. It meets very frequently and consequently there is a scramble for seats on this body. Almost everyone of the members is eager to be upon it so that he can have the advantage of the travelling allowance. In a Board\* which consists altogether of 27 members, as many as sixteen are on this Committee. In another Board† whose total membership is 30 as many as 17 are on the Public Works and Ferries Committee.

\* Dinajpore District Board.

† 24-Parganas District Board.

Besides these four major Committees which every Board appoints, it has invariably one or two other committees as well. Some have committees for the Veterinary and Stores Departments. Some have committees on the Union Boards, and some have even a committee on Rules and Procedure.

The Committees of the District Boards in Bengal do not occupy the same position and exercise the same authority in their administration as the committees of the County Councils in England. In the latter country the committees fill a most important role in Local Government. According to Dr. Finer they "are the real workshops of local government."\* They decide the policy, pass the resolutions either for immediate action or for the approval of the Council, exercise general control over the activities of the staff and prepare the estimates of expenditure for the relevant departments. According to the law every decision of the committees has to be reported to the Council for approval unless the latter exempts them from applying for such sanction. As already pointed out, the County Councils do not meet more frequently than they are required to do by statute. In view of this fact, except certain very important questions, all the rest of business is disposed of on the authority and responsibility of the Committees. They practically act as heads of departments. They initiate the policy and see that it is properly executed by the permanent officers. The state of things is otherwise in Bengal. As already stated, the Boards themselves are but Committees, their average membership hardly exceeding 25. They are expected also to meet at least once a month and as a rule they meet oftener. The amount of business is also not very great. This is indicated by the fact that the highest income of a Board including its opening balance does not exceed fourteen lakhs of rupees. About half of these Boards has an income which does not exceed six lakhs. A District Board can consequently dispose of most of the business itself. Of course the

\* P. 221.

Committees still meet nine or ten times during the year, frame schemes of work and suggest lines of action. In emergencies some of their suggestions are even immediately carried out. They are, however, given effect to only in anticipation of the sanction of the Board without which such suggestions have no force.

The Finance Committee is of course by far the most important of such bodies. But it occupies a position in the District Board organisation in Bengal far inferior to what is assigned to its counterpart in the County Government of England. The Finance Committee of a County Council exercises some special powers. No expenditure can be made even by the Council unless a resolution to that effect has already been made by the Finance Committee.\* All proposals of expenditure must in fact emanate from this latter body. The Finance Committee of a District Board has no such statutory special responsibility. Under Section 55, this Committee is empowered to prepare the budget estimates so that they may be transmitted to the Divisional Commissioner through the District Magistrate. But these estimates prepared by the Committee are discussed threadbare by the Board at a special meeting of its own and amended and modified by it before they are despatched to the Commissioner for sanction. In the English Counties, the estimates are in the first instance prepared by the different committees for their respective departments and then submitted to the Finance Committee which in about fifty per cent. of the counties consists of the Chairman and the Vice-Chairman of the County Council and the Chairmen of all the Committees.† In the Bengal District Boards the different committees have nothing to do with the framing of the budget. A skeleton is first drawn up by the Accountant of the Board and the chairman then administers to it certain touches of his own. Thus recast the skeleton is placed before the Finance

\* Section 80 of the Local Government Act of 1888.

† Finer, p. 228.

Committee which of course modifies it. Then the estimates are placed before the Board which meets on this occasion for about three days together to discuss minutely the different items of expenditure. Thus if the budget emanates from anybody, it is the chairman, and he alone has been given otherwise also some special powers in respect of the finances of the Board. The Finance Committee may perform an important function in respect of the framing of the budget, but it cannot be said that thereby it becomes a very powerful organ of the Board administration.

The Finance Committee has another important duty to discharge, and it has to meet once every month on this account. It has to audit and check the day to day accounts of the Board. It is, however, very doubtful if this work of auditing is performed by the members of the Finance Committee with any degree of efficiency. When the Local Self-Government Act was being amended by the Legislative Council in 1932, many members who had experience of District Board administration were constrained to observe that this auditing of accounts was habitually and very badly neglected. One of the members, Maulvi Abul Kasem, was of opinion that if this work was at all to be performed by the members of the Finance Committee, it should consist of at least 12 persons. Another member went to the length of suggesting that however constituted the Committee would not be up to this work and should not consequently be entrusted with it.\* The Minister, however, could not accept any of these points of view and only provided in the Act for the halting allowances which the members attending the meetings of this Committee would be entitled to receive.

On enquiry it is found that the amendment of the Act has not improved the work of auditing at all. This work is really speaking not congenial to the members of the Committee. The Secretary of one of the largest District Boards

\* Proceedings, Vol. XL, N. 2 (1932), pp. 90-92.

informs the writer that many of the members have no aptitude for such work. Some of them take it to be a piece of drudgery to be somehow avoided, some again inspired by malice perform the duty only in a fault-finding spirit. It appears on the whole from the experiences of the different Boards that this work of auditing should be withdrawn from the Finance Committee. In the municipalities of England, the Finance Committee has of course to meet for auditing purposes. But on the authority of an ex-Mayor of a large city like that of Manchester we can say that here also the arrangement is unpopular and there is a demand for withdrawing this duty from the Finance Committee.\* In the District Boards of Bengal at any rate this work of day to day auditing should be assigned to some salaried functionary.

In the County Councils of England, the Chairman is placed on every committee, no doubt, but he does not preside over any one of these institutions. Every committee has its own chairman who is usually re-elected. The situation is otherwise in Bengal. Every year the Standing Committees are constituted by the District Board. In some Boards the Chairman is elected to every Committee. Elsewhere however he may not be so associated with every one of these bodies. All the same he is both the convener and the Chairman of all of them. This arrangement makes for smooth work indeed, but it checks the tendency to independence on the part of the Committees. In case the Chairman is absent, the Vice-Chairman takes his place irrespective of the fact that he is not a member of a particular Committee. If every Committee had its own Chairman and if he proved to be a strong and vigorous functionary, the Committee would have certainly tended to make itself an influential organ of the Board administration. But actually the sphere of activity is too small for so many half-autonomous bodies to act. The arrangement will only make for squabbles and

\* E. D. Simon, *A City Council from Within* (1926), p. 60.

rivalries which it will be unwise to encourage. It is better that the authority remains concentrated in the Board and its Chairman. The Committees may help the Board in the discharge of its business, but they are not to be semi-independent organisations.

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## CHAPTER IV.

### LOCAL BOARDS.

✓ The Standing Committees of the District Board may not exercise much power and may not occupy an important position in its administration. But the authority of the District Board is shared to an important extent by another set of institutions, known as the Local Boards. These latter are not properly speaking the Committees of the District Board as they are independently constituted. Rather in one sense it may be said that the District Board is a creation of the Local Boards, as near about two-thirds of the members of the former are returned by the members of the latter and that not unoften from among themselves. Although the Local Boards are not, as regards their constitution, Committees of the District Board, they exercise practically the powers which may justify their being characterised as Committees.

For every administrative sub-division of a District there is at present a Local Board. Under the statute the Government of Bengal may confine the jurisdiction of a Local Board to one or more such sub-divisions.\* But actually nowhere the authority of a Local Board extends beyond the limits of a particular sub-division. Section 20 of the Act makes a District Board a corporate body and empowers it to exercise all the rights and privileges which may attach only to such an institution. The Local Board, however, is not a corporate body. It has no independent authority and jurisdiction of its own. All powers are by statute vested in the District Board. But Section 101 of the Act lays down that the Local

\* Section 6.

Government, or subject to its control a District Board, may delegate some of its powers and hand over a portion of its funds to the Local Boards. (A function once delegated may also be withdrawn from the Local Board, partially or wholly by the delegating authority. The Local Board is thus only an adjunct of the District Board organisation.) Its position is more or less that of a statutory committee of a County Council in England. It acts as an agent of the District Board and can perform only those duties and undertake that responsibility which the District Board may assign to it at its discretion.

Section 8 of the statute provides that the number of members of a Local Board shall be determined by the Government of Bengal by notification. But it must not be in any case less than six. (Actually the number varies from 9 to 30.) In those areas where Union Boards have been established under Act V of 1919, two-thirds of the members are returned by election.\* In fact it is only in four Local Boards that the principle of election has not yet been introduced. We have already seen that this election to the Local Board is direct and the Police Circles of the Sub-division make up the constituencies. It need not be repeated here that these elections have proved to be quite popular and almost every seat is contested. The Local Board has a Chairman† to preside over its meetings which are held usually once a month. He also acts as its Chief Executive Officer. The Chairman under the Act has to be chosen by the members, elected and nominated, from among their own number. This election has to be confirmed by the Commissioner of the Division. This Officer of the Government may appoint the Chairman only if he is requested to do so by the Local Board at a meeting attended by not less than two-thirds of its members. It is only in rare cases consequently that the Chairman can be nominated by the Divisional Commissioner.

\* Under Section 9.

† Section 25.

In three Local Boards in 1931-32, a nominated non-official was elected Chairman. In one Board an official was appointed by the Divisional Commissioner to be the Chairman, and in four Boards an official was elected by the members themselves in this capacity. In three of these four Boards, all the members are nominated, official and non-official. It was not therefore surprising that an official was so chosen. In the rest of the Boards elected non-officials have been placed at their heads. Besides the Chairman every Local Board has under Section 26 a Vice-Chairman who is elected by the members from among their own number. His election does not require any confirmation at the hands of the Commissioner. There are instances of the Vice-Chairman of the Local Board acting in the same capacity in the District Board as well.

The functions delegated to the Local Boards have always been few and their powers limited. As a rule the Local Boards are entrusted with some important public works duties. In some districts most of the non-metalled roads are made over to their management. The maintenance and repairs of these roads are their concern. They have also to open new roads of the same character and construct bridges and culverts on these roads. In other districts, however, metalled roads are few and high roads running through the length and breadth of the district are usually non-metalled. The jurisdiction of the Local Board is consequently more limited still.

Besides the Public Works duties which the Local Boards have to discharge they have some other functions as well. But except in the case of maintaining certain ferries which for the sake of convenience the District Board hands over to the Local Boards, they are only of an agency character. The grants which the District Board has to make to the teachers of primary schools, muktabs and *tols* are generally made through the Local Boards. Certain District Boards have now and again spent money on the eradication of water hyacinth which clogs communication and becomes a menace to agriculture. This money has been disbursed as a rule

through the Local Boards. The Chairman and Vice-Chairman of a Local Board are also empowered to inspect a school or a dispensary maintained or aided by the District Board. For some years the grants to the Union Boards were also made through the Local Boards which were expected to be the supervising authority over these village institutions. At present the Local Boards have still indeed the statutory power of supervision over these bodies, but direct relations have been established in important matters between the District and the Union Boards. The latter now apply for and receive grants from the District Board directly without the intervention of the Local Boards. Except in the field of Public Works, the Local Boards have not any important duty to perform.

For its Public Works business every year a Local Board frames a scheme. In this estimate it points out the mileage of roads to be maintained and the bridges and culverts to be constructed and repaired, and it also refers to the amount of money which will be necessary for the purpose. The Sub-Divisional Officer is also asked to send an independent report to the District Board as to the condition of roads and bridges of the area under his charge and the kind of work that he expects the Local and District Boards to undertake. The Sub-Divisional Officer submits his report in his capacity as the administrative head of this area and not as a member of the District Board. The latter body on receipt of these estimates and reports accepts the schemes of the Local Boards with or without modification and sets apart a particular sum for every one of them. The Local Boards have no power to raise money on their own account and do any work on their own responsibility. In the Madras Presidency the Local Boards used to get automatically half the income of the Road Cess collected within their jurisdiction. This was an independent source of income for the Local Boards. But in Bengal all along the income of the Local Boards has been limited only to the financial grant made by the District Board at its discretion. Nor can the Local Boards spend this

amount in their own way. It has to be disposed of according to the scheme already submitted and sanctioned. The money in fact is not handed over to the Local Board in a lump sum. It remains in the Government Treasury to the credit of the District Board. As a piece of work is performed by the Local Board, the District Engineer inspects it and if he certifies it to be correctly performed, then only the money sanctioned for it is made over to the Local Board. This brings out clearly the exact position that the Local Board occupies in the scheme of local self-government in Bengal. In Districts like Howrah and 24-Parganas, the mileage of roads to be maintained by Local Boards is large and the amount of money granted to them is not on that account quite insignificant. The Local Board of Uluberia has thus an annual income of near about Rs. 50,000 and that of Baraset about Rs. 30,000. But a Local Board like that of Jangipur or Manickganj has hardly an income of Rs. 4,000 a year. There are Local Boards which do not even spend more than Rs. 3,000 per year. On the other hand there are some Union Boards under the supervision of almost every Local Board, whose income is several times that of the latter. The situation has thus become rather anomalous.

The Local Boards have in fact become a fifth wheel in the coach of the local self-government organisation in Bengal. They have served so long as the electoral colleges for the District Boards. But this system of election has become long out of date. It has been pointed out elsewhere that the members of the District Boards should from now on be elected directly by the primary voters. In the new order of things the Local Boards will consequently be divested of this important duty of returning members to the higher local bodies. Another important function which the Local Boards were expected to carry out was to exercise a regular supervision over the village bodies. When the Village Self-Government Bill which became Act V of 1919 was first introduced in the Legislative Council by Sir S. P. (Lord) Sinha, it included a provision for the abolition of the Local

Boards and the institution of smaller Circle Boards instead. He was of opinion that the Local Boards would have too wide a jurisdiction to exercise perfect supervision and control over the proposed Union Boards.\* But when Lord Sinha left the Government of Bengal to become the Under-Secretary of State for India, the Bill was placed in charge of Sir Henry Wheeler who thought it unwise that the Local Boards should be abolished in such an indirect and unceremonious† way. He appeared to be of opinion that they would have sufficient opportunity of keeping themselves in close touch with the activities of the Union Boards and supervising them regularly and efficiently. But the experience of the last fifteen years has proved it to the hilt that the Local Boards are not the fit and proper authorities for supervising and controlling the work of the Union Boards. (It appears that the Local Boards entertain a feeling of rivalry and jealousy towards the Union authorities and their supervision over the latter has consequently been characterised not by any spirit of help but by that of obstruction. The Union Boards consequently have developed the practice of communicating directly with the District Boards.) Most of them no longer receive their grants through the Local Boards nor do they make their prayers and express their grievances through them.‡ Of course the Chairman of a Local Board has still the right of inspecting a Union Board Office and such inspections are not always very few and far between. But these visits are not regarded by anybody as very much helpful to the administration of these village bodies. After the inspection and scrutiny of accounts by the Circle Officers and their Sub-Divisional Chiefs, the visits of the Chairman of the Local Boards are not indispensable. Sometimes they are rather

\* See Proceedings in Calcutta Gazette, Part IVA, April, 1918.

† See Proceedings, Vol. 51, 1919, pp. 30-31.

‡ See the Report on the Administration of the District Board of Howrah, for 1933-34. What is true of this district is true of many other districts as well.

obstructive. If the District Boards are serious about inspection by their own agency, this can be otherwise provided without much difficulty.

Neither as electoral colleges nor as supervising authorities for the Union Boards, the Local Boards have thus any longer much utility. When these institutions were first set up just half a century ago, the idea at the back of the mind of the Government was that the District Boards would be usually the controlling bodies, while the Local Boards would be the working and administrative agencies. The District Boards would be distant institutions and the members from the outlying parts would not find it possible to attend frequently their deliberations and influence their policy. The Local Boards, however, would be constituted by members with local knowledge and experience. The District Boards therefore would be expected to delegate any or all of their local duties to these bodies. Actually however only the public works duties of the District Boards are delegated to the Local Boards and that also only partially. Over education, sanitation, public health and other functions, the Local Boards have really speaking no authority. The administration of these functions does not admit, in fact, of being controlled by two authorities at the same time.

It does not appear to be any way a sound policy that only for work in such a limited sphere, these separate institutions should be maintained. At present a considerable portion of the income of the Local Boards is eaten up by the establishment expenses and by the travelling allowances paid to the chairmen, the vice-chairmen and the members. In average Rs. 500 has to be spent by a Local Board every year in travelling allowances, about Rs. 600 for a clerk and about the same amount for a sub-overseer. In other words a Local Board which usually has not an income exceeding Rs. 4,000 has to spend near about Rs. 1,500 under these heads. This certainly is a condition of things which should not be allowed to continue. Just as a limb of the body without any function is more a danger than a help to the physical system, so

also a local body without much to do is a hindrance to the local self-governing organisation in Bengal.

The Government of Bengal appears still to be of opinion that though the Local Boards have not much to do, their continuance is essential. In the Resolution on the Reports of the Divisional Commissioners as to the working of the District and Local Boards in 1930-31, it observed that the Local Boards as deliberative bodies were serving a most useful purpose and should not be disturbed. This opinion does not appeal to us at all. This deliberation may easily be done by the Public Works Committee of the District Board.

It is of course a fact that the Local Boards constitute an important centre of non-official influence in a sub-division. These bodies may not perform much useful work, but all the same the very fact that a number of non-official people, many of them being accredited representatives of the ratepayers, meet and deliberate from month to month under the guidance of a non-official citizen at the sub-divisional headquarters, goes a great way towards curbing official influence and augmenting popular control. It is apprehended that in case the Local Boards are abolished, the already great influence of the Sub-Divisional Officers will be further increased. Years ago these officers were invariably at the head of the Local Boards as well. But during the last 15 years they have not been directly associated with these bodies. This has not been regarded by the Government as a healthy practice. It has rather been considered that it has undermined to a great extent the position of the local representatives of the Provincial Government. The Government has been perturbed so much so that in certain districts it has insisted that for sanitation purposes there should be a Sub-divisional Committee with the Sub-Divisional Officer as the Chairman and that through this body Government grants should be distributed among the different sanitation and health circles. At a later stage we shall consider the activities of these bodies. Here it is enough to note the tendency of bringing the local officers again into intimate association with this department

of Local Self-Government. In case the Local Boards are abolished there may be a plausible ground for setting up formal or informal Sub-Divisional Committees with the Sub-Divisional Officer at their head for relieving the District Boards of a portion of their detailed work. But if public opinion is strong, if the District Boards are not unmindful of their duties and if different suggestions made in this work are given effect to, we are sure that this tendency towards the increase of official influence will be nipped in the bud. Any way this extraneous ground should not justify the continuance of the Local Boards which have become really anomalous.

Many of the roads and bridges which are now under the management of the Local Boards may without difficulty be handed over to the Union authorities. True, they may pass through more than one union of villages. The District Board, however, may easily co-ordinate the activities of the different Union Boards and keep these highways in proper repairs through these authorities. Some of the important roads now under the Local Boards may of course be taken up by the District Boards themselves for direct maintenance. It is unlikely, therefore, that there will be any difficulty in running the Public Works Department of the District Boards if the Local Boards are abolished.

It may be suggested that instead of abolishing the Local Boards, the Government will be well advised to withdraw the District Boards from the local self-governing organisation of Bengal and vest all their powers and functions in the Local Boards. We have seen that when the question of introducing these boards was first mooted in the early eighties of the last century, it was held by certain experienced members of the Civil Service that the system of local self-government would work better and more efficiently if the Sub-divisions were made the units. The Local Boards would consist of persons who would command local knowledge and experience. They would attend meetings regularly and take a personal interest in the works of the Boards. But if the district was the unit,

the members coming from the outlying parts would be as a rule very irregular in attendance. Their knowledge of the other parts of the district would be very meagre and vague. Their interests would not consequently be very intimate. The situation has considerably changed since the above opinions were held. We have already noted that the meetings of the District Boards which are frequent are characterised by a very high percentage of attendance. This change is due to certain factors. Communications have now become comparatively easy between the headquarters of the district and the outlying parts. People have become more mobile than they once had been. Thirdly, their interest in public work has considerably increased. A person belonging to one sub-division may not have at the start much knowledge of the actual conditions of life in another sub-division. But as he attends the meetings of the Board, works in the Committees and has talks with his colleagues from other sub-divisions, he finds it not difficult to pick up sufficient knowledge as to the position in other parts of his district. This being the case we cannot see that the District Board will be a less qualified and suitable body than a Local Board.

On the other hand some of the duties of the local self-governing institutions are of such a character that the unit must inevitably be a large one. Neither the problems of public health and sanitation nor those of education can really be properly tackled except by an authority which commands sufficient resources. So far as public health is concerned it is imperative that the body in charge of it should have jurisdiction over a wide area. It is the experience of everyone that certain diseases are spread over two or more sub-divisions. If remedial measures are taken against them in one sub-division and sufficient steps are not taken in another, the efforts made in the former are practically wasted. Very soon the diseases are imported from across the boundary and take their toll. It is, therefore, necessary that this function should be vested in a body having jurisdiction over the whole district. It may be argued that just as diseases may be

ported from one sub-division into another so they may be imported from one district into another. But it need not be pointed out that chances of such importation will be fewer than in the other case.

The income of a District Board varies at present from Rupees two lakhs and a half to near about Rupees fourteen lakhs per year. If instead of the District Boards there are only the Sub-divisional Boards, the latter would have in average about one-fourth the income of the former. With this slender resource it would be very difficult if not altogether out of the question for a local authority to command the services of proper experts either in the engineering or in the public health and sanitation departments. Technical and agricultural education which the local bodies are expected to expand will also be impossible. It is further doubtful if the Local Boards will attract to their services persons of the same calibre and the same ambition for public work as the District Boards now happen to invite. There was a time when the districts were only an artificial administrative and revenue unit. But as a result of the traditions which have crystallised for about one century and a half, the districts have really become organic units. There is consequently no valid reason why the District Boards should not continue to exist. On another ground also their continuance is more justified than that of the Local Boards. Local institutions are apt to be in every case somewhat narrow in outlook and action. But the members of the Local Boards will be in this respect far more narrow than those associated with the District Boards. The latter are expected to bring to bear upon their activities a wider imagination and fresher outlook. The Government will be well advised on these grounds to abolish the Local Boards and make it possible for assigning larger authority and jurisdiction to the Union Boards on the one side and if necessary to the Public Works and Ferries Committee of a District Board on the other.



## CHAPTER V

### PERMANENT STAFF

For the proper administration of the affairs of the District Board, a sufficient number of expert and salaried officers is indispensable. Both in enunciating and in giving effect to a policy, the Board cannot do without the help and co-operation of such officers. Section 33 of the Act provides to this end that every District Board may appoint an Executive Officer, a Secretary and such other officers and servants as may be required by it. Their salaries are to be fixed by the Board but no post whose value is rupees two hundred or more per month is to be created or abolished without the approval of the Divisional Commissioner. Nor can any person be appointed to or dismissed from such offices without the sanction of the same functionary. In case, again, persons drawing a monthly salary of rupees fifty or more are dismissed from service they have an appeal in some cases to the Commissioner of the Division and in some cases to the Government of Bengal.

The appointment of an Executive Officer is not compulsory. It is left to the discretion of a Board. But we have already seen that no Board has so far taken advantage of this section and appointed such an officer. Most of the Boards however have now appointed a permanent Secretary. Formerly none of them could boast of even such an officer. The Head Clerk was the chief of the Office and the one custodian of its traditions. Except the Secretary who is selected on the basis of his general academic qualifications every other important officer of the District Board is a technical expert recruited from among those who have requisite technical qualifications. Section 54 demands that the account

books of the District Fund shall be kept by an officer to be appointed by the Board. It is to this end that every District Board has to appoint an Accountant. Of course the District Board has absolute authority to choose any person in this capacity. There are no rules which the Board is expected to follow and act up to. Nor is the appointment to be specially confirmed by the Divisional Commissioner. In case only the monthly salary of the Accountant is rupees two hundred or exceeds this amount, the appointment has to be so confirmed and that under the general rule (Section 33). If, however, the District Board chooses to appoint him on a lower salary neither the Commissioner nor the Government has any voice as to his selection. The Accountant occupies to some extent a responsible position. He keeps the books, frames the skeleton budget and it is for him to produce the accounts so that they may be audited by an officer who is appointed for this purpose by the Government of Bengal.

Just like the appointment of an Accountant, it is obligatory on the part of the District Board to appoint under Section 84 an Engineer and provide him with an adequate staff for its Public Works activity. In the appointment of the Engineer the District Board has to act up to the rules framed by the Provincial Government. The candidate chosen must have the qualifications as laid down in these rules and his final appointment, on this ground as also on the ground that he happens to draw as a matter of course a salary of more than rupees two hundred per month, has to be confirmed by the Commissioner of the Division. Only recently a District Board (Pabna) appointed a particular person as Engineer. But his selection could not be approved of by the Commissioner (of the Rajshahi Division) because of the fact that he did not possess some requisite qualifications. In another District Board (Midnapore) the Engineer was dismissed by the Board ostensibly for certain indiscretions but really because he did not subscribe to the political ideals and methods of the majority of the members. He made an appeal to the Government and the order of dismissal had to be

cancelled. The Engineers are not usually appointed on a permanent basis. They are as a rule recruited for a five-year term, on the expiry of which of course their reappointment is more or less assured. We do not see why this short-term appointment should be allowed to continue. A new recruit may be asked to be on probation for a year or two after which he should be made permanent. Of course up till now every Engineer who put in satisfactory work has got his term renewed. But in view of the fact that communal rivalries have of late become a feature of the District Board Administration, it is unwise to take any risk in this matter. An officer who may have rendered approved service for a term may not be reappointed only on communal grounds. The Divisional Commissioner may veto an appointment on some particular grounds but he cannot compel a Board to appoint a particular candidate. It is, therefore, wise to insist by rules on permanent appointments.

Under Section 91 (3) the District Board is required to appoint a Health Officer and provide him with a sufficient staff. As in the case of the Engineer, the Health Officer also has to possess certain special qualifications which are insisted on in rules framed by the Government. His appointment is usually made on a monthly salary which makes the sanction of the Commissioner of the Division necessary. Half the salary of the Health Officer is a charge on the Provincial Revenues and is paid by the Government. On this ground also his appointment has to be approved of by the Commissioner. Years ago in none of the District Boards there was a functionary of this character. His appointment under the old Act was not obligatory. Public Health duties were not yet taken very seriously by the District Boards. But after the introduction of the Government of India Act, 1919, the Government began to insist on the appointment of such an officer. Specially with the introduction of the Health Circles from 1926 onwards, the services of a whole-time Health Officer became in the eyes of the Government essential to the District Board. The latter however expressed its inability

to find the money for this purpose. Accordingly it was arranged that the District Board would pay half the salary, the other half being a charge on the Government Revenues. The Medical Department is not placed under the control of the Health Officer. The Civil Surgeon of the district who is an officer of the Government is an *ex-officio* member of the Medical and Sanitation Committee of the District Board, and it has hitherto been the custom to vest in him the duty of supervising its dispensaries and hospitals. This arrangement was regarded as specially convenient on the ground that the dispensaries enjoyed a grant of the Government and on that account the Civil Surgeon was entitled to visit and supervise the work of these institutions. But we do not think this arrangement can be allowed to continue in changed circumstances. The number of dispensaries has increased and is increasing. The medical staff of the District Board is no longer so small as it once was. It is time therefore that every Board should have a whole-time Medical Officer of its own.

In certain districts separate School Boards have been set up under the Primary Education Act of 1930. Even in those districts where the Boards are still endowed with the educational duty, there is no Chief Educational Officer of their own. The District Inspector of Schools who is an officer of the Government and who is *ex officio* a member of the Education Committee of the District Board, practically controls this department. This arrangement also is both inconvenient and illogical. The arrangement should be that for the working of the departments for which the District Boards are responsible, they should have their own officers. Unless the Board can exercise full control over these Chief Officers, it cannot be expected to discharge its ultimate responsibility in a proper and desirable manner.

Besides the Departmental Heads there is a number of other functionaries in every District Board. In the Public Works Department in addition to the Engineer there are at least one sub-engineer and a number of overseers and sub-overseers. In the Public Health Department the Health

Officer is assisted by a large number of sanitary inspectors, and in some cases by one or two assistant health officers as well. The dispensaries under the direct management of a District Board are placed in charge of qualified medical officers who are servants of the District Board. In the Education Department the inspecting agency is as a rule maintained by the Government. We have seen already that the District Inspector of Schools is *ex officio* the Chief Educational Adviser to the Board. It is the Sub-divisional Inspectors and the Sub-Inspectors of the Government who inspect the schools maintained and aided by the Board. The only agency which some of the District Boards have so far set up on their own account in this field is that of the inspecting Pandits. Besides these officers every District Board is served by a number of clerks. In a large district these clerks number as many as 20 and the total number of such clerks in all the District Boards may be calculated at about 300.

At present the recruitment of these officers and clerks is not made on a competitive basis. The clerks are usually all local men appointed by favour of the Chairman and Vice-Chairman or some other influential members of the Board. Health Officers and Engineers are not often selected from outside the districts. Sanitary Inspectors also are appointed not infrequently from outside. In other appointments, localism is the underlying principle. It may be suggested that the recruitment of executive officers, secretaries and higher grade clerks should be made on the basis of some comprehensive and competitive examination. But this would have been feasible only if the recruitment for all Boards could be done by one agency. Vacancies in a particular Board are but rare, and for one appointment every three or four years or possibly at longer intervals still, the holding of a competitive examination will appear to be rather ridiculous. Nor does it appear to be within practical politics that all the Boards would combine and invest some external body with the duty of recruitment for them. Such an arrangement would be regarded as inconsistent with their autonomy and interfering

with their patronage which they prize so much. Recruitment by an external agency will also make impossible the selection of local men alone. This also will be undesirable in their opinion.

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## CHAPTER VI

### FINANCES OF THE DISTRICT BOARD

The Budget of the District Board is in the first instance framed by the Accountant. He submits it to the Chairman who recasts it as he pleases and then calls a meeting of the Finance Committee of the Board. The Budget is referred to this body which discusses every item threadbare. It is here that the Budget practically takes its final shape. The procedure however is not yet complete. As passed by the Finance Committee, the Budget is submitted to the Board itself which meets specially for this purpose sometime in February every year. The Budget meeting of the Board is a prolonged affair. It never finishes in one day. It is protracted over two and sometimes even three days. The members who are not associated with the Finance Committee, have now an opportunity of airing their objections to the Budget as settled by this Committee. It is because of long speeches made by these members that the meeting is spread over so many days. At the end of course only in some minor matters the Budget is modified according to the wishes of these gentlemen, but fundamentally it remains as it came out of the Finance Committee. Years ago the procedure was different in some of the District Boards at least. The late Raja of Nashipur complained to the Decentralisation Commission in 1908 that so far as the District Board of Murshidabad was concerned the Budget was originally framed by the Vice-Chairman and then submitted direct to the Board meeting. The District Magistrate was the *ex-officio* Chairman of the Board and as he was pre-occupied with his other duties the initiative had to be taken in this matter by the Vice-Chairman. So far possibly much objection could not be taken to the procedure. But

the Raja complained that the Budget as framed by the Vice-Chairman was not referred to the Finance Committee and consequently when it came to the meeting of the Board it had not the benefit of being recast by this small Committee. At present it is universally the practice in Bengal that the Budget cannot be introduced in the meeting of the Board before it has been discussed and modified by the Finance Committee.\*

As passed by the Board the Budget estimates are submitted to the District Magistrate so that they may be transmitted to the Divisional Commissioner.† The District Magistrate in so transmitting them appends to the Budget a written opinion of his own. The Divisional Commissioner as a rule in these days does not interfere in the details of the Budget. He only sees if the main principles have been violated or not. Here and there he may of course make some suggestions and with these the Budget comes back to the Chairman through the District Magistrate. Usually the suggestions made by the Commissioner are accepted by the Board and the matter ends there.‡ (In respect of that portion of the Budget which is concerned with the Public Works activity of the Board, it is separately submitted to the Executive Engineer who happens to be the Inspector of local works.) This is so submitted in order that the Divisional Commissioner may have expert advice in this field from this functionary. Years ago the District Boards were required to send the educational portion of their Budget to the Director of Public Instruction and the medical portion to the Surgeon General. The opinions of these heads of departments of the Government of Bengal were sent to the Divisional Commissioner. In case the Commissioner agreed to the views expressed by these expert officers, he insisted on the recasting of the Budget accordingly.

\* Under Section 55 the Committee is required to prepare the estimates.

† Under Section 47.

‡ Section 48.

If however he could not see eye to eye with them he had to refer the matter to the Government of Bengal. The Act vested the power of sanctioning the Budget in the Divisional Commissioner. But according to the instructions laid down by the Government of India in 1904, this procedure which practically brought the finances of the District Boards under the direct control of the Government of Bengal had to be followed. The Decentralisation Commission objected to this arrangement being continued,\* and since 1910 this policy has been abandoned. Only in respect of the Public Works portion of the Budget the Inspector of Local Works has to be consulted. Otherwise the Commissioner is the supreme sanctioning authority in this sphere. There are people who object to the very idea of the District Board Budget being submitted to any officer of the Government for approval. They want that the Budget as passed by the District Board should go at once into effect. But most of the persons who have some intimate experience of the working of the Board and who have been consulted by the writer appear to be of opinion that the powers now vested in the Divisional Commissioner are essential. They constitute a necessary and effective check upon the vagaries to which every Board is more or less subject. They hold the view that if the powers of the Commissioner are withdrawn the necessary balance will not be maintained and money will be spent disproportionately on one department to the detriment of the rest. They go to the extent of apprehending that the finances will be totally disorganised and the Boards will in the course of a few years reach the stage of absolute financial breakdown. In view of this opinion it is not possible to recommend here that the District Boards should enjoy absolute statutory autonomy in respect of its framing the Budget. They must be subject to some control from outside.

The income of a District Board is not commensurate with the duties which it may be expected to perform. The

\* Report (Parliamentary Paper, Vol. XLIV of 1908, p. 265).

financial resources are in fact so insufficient that many of the urgent demands cannot be satisfied. In 1931-32 a District Board had in average an income of Rs. 600,000 and in 1932-33 it remained about the same. The application of the Primary Education Act of 1930 to certain districts has however curtailed this income. It is true that the educational responsibility has been withdrawn from the Boards of those districts where separate School Boards have been set up. But still it is a fact that their resources have dwindled to some extent. The highest income excluding the opening balance of a District Board was in 1931-32 Rs. 10,05,555 (Midnapore) and the lowest income was Rs. 2,01,109 (Darjeeling). The corresponding figures for 1932-33 were Rs. 9,79,914 and Rs. 2,03,649. With such small income it cannot be expected that the District Boards in Bengal will find it possible to embark upon any comprehensive schemes of welfare for the people. The sources are mostly inelastic. If only the grants of the Government are increased very largely, the Boards can possibly be of greater use to the countryside of this province.

The most important source of revenue to-day is the local rate. In 1871 by the Bengal Act X a cess was imposed upon the lands, mines and quarries for the maintenance and construction of roads and other means of communication. It came to be known in popular parlance as the Road Cess. In 1877 was passed the Bengal Act II of that year which provided for the levy of another cess for the construction and maintenance of provincial public works. It came to be known as the Public Works Cess. Both these Acts were repealed in 1880 and their provisions were embodied in a comprehensive consolidating Act known as the Cess Act (Bengal Act IX of 1880). Section 6 of this Act provided that the rate at which the Road Cess and the Public Works Cess were to be levied was not to exceed one-half anna on each rupee of the annual value of lands and the annual net profits from mines, quarries, etc. The Road Cess was to be imposed at the instance of the District Board subject to this maximum

rate. The District Board every year was to decide at what rate this cess was to be levied. Of course Section 46 of the Local Self-Government Act laid it down that a District Board was not to decrease the rate at which the cess was being levied without the sanction of the Government of Bengal. Any way it was for the District Board to impose this cess and its proceeds were to accrue to the District Board coffers. The Public Works Cess was to be realised at a rate determined by the Government of Bengal. Its proceeds were to be deposited in the Government Treasury, and spent by the Government for public works. Of course a convention was developed to the effect that half the income on the Public Works Cess came to be distributed by the Government among the different District Boards for the construction and maintenance of roads and for the improvement of sanitation in the rural areas. The Decentralisation Commission, whose report has already been referred to, suggested that the whole of the proceeds of the Public Works Cess should be handed over to and enjoyed by the District Boards. This recommendation was accepted by the Government. In fact the Finance Secretary to the Government had himself suggested in his evidence before this Commission that the District Boards should have the benefit of the whole of the income both from the Road Cess and the Public Works Cess.\* During the last 25 years, therefore, both the cesses have been imposed in Bengal on the advice and authority of the District Boards and their proceeds have accrued to the District Board Fund.†

At present the cesses are levied at the rate of one anna per rupee of the annual value of lands. Up to 1934 this value was determined by the amount of rent paid by the cultivating

\* *Ibid.*, p. 261.

† The Road Cess is levied by the District Boards and the Public Works Cess by the Government but the District Boards are encouraged to express opinion as to the rate at which it is to be levied. The Cess (Amendment) Act, 1934 (Act XI of 1934), lays down that notwithstanding anything contained in Section 46 of the Local Self-Government Act of 1885, the Government may, after considering the views of the District Boards, levy both the cesses.

raiayats. The principle was that if the rent collected from a particular estate was Rs. 100, the cess for this estate would be one hundred annas provided the Zemindar enjoyed it revenue-free. The second principle was that of these one hundred annas the raiyats were to pay half the amount, the remaining portion being paid by the estate-holder (zemindar). In case this latter had to pay some revenue to the Government, some deduction would be made from his portion of the cess. If he paid Rs. 10 as revenue, five annas would be so deducted and the total amount of cess collected from the estate would be reduced by this amount. For some years before 1934 the opinion gained ground that under this arrangement the raiyats were the losing party. As the rent paid by them would increase, their net income would correspondingly diminish and their capacity to pay cess would also become lesser. But under the arrangement as the rent would increase, the cess also would become correspondingly greater. This was certainly inequitable. In order to make the system more rational and just, a Cess Amendment Bill was introduced in August, 1933 in the Bengal Legislative Council by the late Sir Provash Chunder Mitter, then Revenue Member of the Government of Bengal. The Bill was passed into an Act\* early in the following year. It provides for the calculation of the value of the land on a different principle altogether. Under this Act the value of the land is determined on what is known as " acreage rate basis." The acreage rate is not to exceed one-fifth of the value of the gross produce of any acre of land.† The value of the gross produce is to be determined after taking into account the agricultural productivity of the land and the prices prevailing during the preceding five years of agricultural produce generally in that area. If Rs. 50 is considered as the value of the gross produce per acre, the acreage rate will be not more than Rs. 10. The cess for this

\* Bengal Act XI of 1934.

† (Section 12) 107—D (2) (a).

acre will be ten multiplied by half-anna. In other words it will amount to five annas. Of this amount half is to be paid by the raiyats, and the remaining half will be a charge upon the zemindar. Of course if the zemindar happens to pay land revenue to the Government, some deduction will have to be made from his portion of the cess.

It is the opinion of the experts like Maulvi Abdul Momin and the late Sir Provash Chunder Mitter that this new basis of levying the cess will be more equitable and just in its incidence.\* It is not likely that the income from this source will either increase or decrease on account of the reform which has been introduced. Mr. Azizul Huq who has now been appointed Minister of Education observed in the Legislative Council that while the District Boards would not be any way the loser, the raiyats would be more justly treated under this new system.†

¶ The District Boards have no machinery of their own for the collection of the cess. It is done by the Government through the zemindars. In the first instance every estate-holder has to submit a return to the District Collector as to the amount of rent realised from the estate.‡ On the basis of these returns the Collector settles the amount of cess to be collected from the different estates. Once this valuation has been made, it is for the zemindars to submit at specified dates the total amount of cess of the estate to the District Treasury along with their revenue if any.§ The cess of the raiyats is not separately collected by the Government. It also is realised from the zemindars. ¶ The zemindars of course in their turn are to collect along with their rent the raiyats' portion of the cess. This system of collection has been regarded as the easiest in this permanently settled province. Until

\* Proceedings of the Bengal Legislative Council, Vol. XLIII—No. I, p. 139.

† Ibid, p. 144.

‡ Section 14 of the Cess Act of 1880 (Bengal Act IX of 1880).

§ Section 41.

recently there was not much of an opposition from the zemindars to this arrangement. The prices of agricultural produce were high and the collection of rent as well as the cess was easy. But for the last six years prices have fallen very low and the collection has become a very difficult affair. In many places both rent and cess are in arrears. (But although the tenants may default, the zemindars are required to pay the total cess punctually.) This has been nothing but a cause of hardship to the estate-holders. Accordingly when the Cess Amendment Bill was being considered by the Legislative Council, Mr. Munindra Deb Rai Mahasaya, one of the representatives of the land-holding community, observed that it was time for the zemindars to be relieved of the duty of collecting cess from the raiyats. Either the Government or the District Boards should have a machinery of their own for such collection. The zemindars should be responsible for the payment of their own cess alone.\* But this point of view was not accepted by the Council.

Although the zemindars are largely the medium of collection, the Government officers also have considerable responsibility in the matter. They are the ultimate agency for the valuation of the cess for every estate and they also see to it that the zemindars make their payments punctually according to arrangements prescribed. On this ground the collection expenses are deducted by the Government from the total amount of cess collected. Mr. Ambica Churn Majumdar in his evidence before the Decentralisation Commission pointed out that sometimes the Government made deductions to the extent of even twenty per cent.† This has been to some extent a grievance on the part of the District Boards. Of course the machinery for collection as it is constituted should cost less. But the suggestion which is sometimes made that the District Boards themselves should be responsible both for the valuation and for the collection of the cess does not appeal

\* Proceedings, Vol. XLIII—No. I, p. 136.

† Report (Parliamentary Paper, Vol. XLV of 1908, p. 196).

to us in the least. In the Municipalities of Bengal and for the matter of that in other parts of India, the collection of the taxes has become rather a difficult problem. It is not infrequent that to the extent of twenty per cent. such collection remains in arrears. If the District Boards are burdened with the responsibility of realising the cess, not only the collection expenses will mount up many times but it will be impossible to collect the full quota of the cess. It is, therefore, wise to continue the existing arrangement.

The income from the cess constitutes more than half of the total income of the District Boards excluding of course their opening balances. In the year 1932-33 such income of the Boards totalled Rs. 1,39,41,575, and the income from the cess was Rs. 77,87,744. (The proportion of the amount of this local rate to the total income of the Board varies of course from district to district.) In 1931-32 in the district of Burdwan two-thirds of the income excluding the opening balance were supplied by this source. In Mymensingh however it yielded only about half the income. In England in 1929-30 the local rate yielded 42 per cent. of the total income of the local bodies. The arrangement here compares not unfavourably with the English system.

Among the other important sources of revenue, the Ferries should be mentioned first. Some of them are directly under the control of the District Board while the unimportant ones are left to the care of the Local Boards. Altogether the District Boards have from this source an income to the extent of near about five lakhs of rupees in average. In 1930-31 the yield was Rs. 5,71,705. In 1931-32 it was Rs. 5,42,018 and in 1932-33 it was Rs. 5,10,432. The District of 24-Parganas draws the highest income from this source, it being about Rs. 70,000 in 1931-32. The next district which rears a large sum from the tolls on Ferries is Mymensingh with an income of about Rs. 50,000 under this head. The District Board of Darjeeling derives as usual the lowest income from the Ferries, it being about Rs. 1,000 in 1932-33.

2 From the pounds constituted under the Cattle Trespass Act the District Boards derived in 1930-31 a revenue of Rs. 2,16,647. Since then however they have been in an increasing number handed over to the Union Boards, and in the near future the transfer will be complete and there will be no income for the District Boards from this source. Motor vehicles are now in an increasing use on the roads of the District Boards which are considerably damaged on this score. But the Boards have no authority to impose any tax upon the owners of these vehicles. That is the function of the Government of Bengal. Of course at the time the Government undertook the imposition and collection of this tax, the understanding was that all the income excluding the expenses of collection would be distributed among the District Boards. But the recent financial difficulty of the Government has stood in the way of these bodies getting their due share from this source. The writer was informed by the Secretary to a District Board in West Bengal that his Board received two years ago Rs. 1,10,000 from the Government as the proceeds of the Motor Vehicle tax. But in the past year it was reduced to Rs. 85,000. He pointed out that even this reduced sum could be extorted only because of the pressure of the Department of Local Self-Government upon the Department of Finance, which wanted to spend a larger amount for Government purposes. The Government should accept the principle that the tax collected in a particular district should be, excluding the expenses of collection, distributed among the District Board and the Municipalities of that area. At present the money collected in all parts of the province goes into a central fund. The District Boards and the Municipalities are then called upon to submit their demands on the basis of the mileage of their roads, the condition of their finances and the amount of damage that may have been done to their roads by the vehicular traffic, etc. The Commissioners of Divisions also are required to submit a note as to the requirements of the different local bodies in their areas. On

the basis of the facts thus collected, the Government of Bengal settles the amount which particular District Boards are to get from the proceeds of the tax.) This arrangement does not appear to be equitable and just. The local rate is also collected by the Government but in this case the District Board gets the benefit of all the money collected in the district excluding only the expenses of collection. Similarly, in the case of the Motor Vehicle tax also, the money collected locally should be spent locally. The Government is expected only to collect the tax, compensate itself for its collection expenses, and then determine the basis on which the proceeds are to be distributed among the District Board and the Municipalities. If this principle is accepted, the Government certainly will have no temptation to utilise the proceeds on its own account.)

The District Boards draw a considerable portion of their income from the contributions of the Government. In average these contributions constitute about 25 per cent. of the total income of the District Boards. In 1919-20, the State grants constituted 48 per cent. of the total income of the County Councils in England.\* In the matter of financial assistance therefore the Government of Bengal lags far behind the Government at Whitehall. Of course according to the special needs of certain districts, the grants of the Government under certain particular heads are very often increased. This makes the proportion of grants to the total income of a Board vary from district to district.

Grants made by the Government do not involve in Bengal any special administrative control on the part of the Provincial Government over the District Boards. In England the local authorities ordinarily enjoy immunity from the administrative control of the Central Government. But the receipt of grants-in-aid obliges them to conform to certain rules and regulations framed by Whitehall and to submit to supervision by its agents. But in Bengal administrative control, as we

\* G. M. Harris—Local Government in Many Lands (1926), p. 179.

shall see in another section, already exists independently of such grants and special supervision on this account is not required. Of course it is essential that the Boards must fulfil certain conditions so that they may enjoy the contributions of the Government. It is the condition of a recurring grant that a District Board must spend the same sum on a particular department as it receives from the Government on this account. To this end there is a fixed amount which a Board must spend on a department and which the Government also must contribute. Not unoften however the Government grants more than the fixed sum and the District Board also spends more than what it is compulsorily required to do. One instance may be cited. In a particular district the District Board must spend for purposes of education Rs. 63,000 a year in order to be eligible for the Government grant of the same amount. Actually however in 1934-35, the Government contributed Rs. 72,000 and the Board spent from its own revenues Rs. 1,10,000.

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## CHAPTER VII.

### FINANCES AND FUNCTIONS.

The District Boards since their introduction in the middle eighties of the last century have been important educational authorities in the province. They have been empowered by the Act (Sections 62-64A) to maintain and manage primary, middle and secondary schools of all description and to make grants-in-aid to such institutions. It is significant that the educational activities of the District Boards have been as a rule confined to elementary education. They have of course patronised the middle schools also to a limited extent. High school education however has seldom come in for their assistance. We thus find in the Report of the Commissioner of the Dacca Division on the working of the District Boards for 1930-31 that they gave aid to no high school during the year. The number of middle schools they maintained and aided was only 157 while the number of primary schools managed and assisted by the Boards was 14,252. In the Annual Report of the District Board of Pabna for 1932-33, we come across the fact that the Board made a capital grant of Rs. 600 to the local Girls' High School otherwise it gave no aid to any such institution. The number of middle schools which it managed and aided was again only 26 while the number of primary institutions maintained and aided was as many as 1,528. Technical education also the District Boards have supported either directly by establishing and maintaining such institutions or by aiding them and granting scholarships to the technical students. Thus the District Board of Mymensingh "spends money liberally towards the upkeep of the Kashi Kishore Technical School as well as for the Government School at Tangail." The Technical School at Pabna was originally an institution of the District Board but

in 1922 it was provincialised. All the same the Board spent in 1932-33 Rs. 2,500 for scholarships, etc., on account of technical education in this school.

(The District Boards have everywhere discharged their educational duties more by aiding "privately" managed institutions than by maintaining their own schools.) The Commissioner of the Dacca Division whose report for 1930-31 has just been quoted tells us that the total number of middle schools maintained by the four District Boards in his Division was only 9 while the number of such schools aided was 148. Similarly the number of primary schools maintained was 1,331, while the number of primary schools aided was 12,921. In the District of Pabna also the facts are equally telling. Only one middle vernacular school was maintained by the Board while the number of middle English schools aided by it was 25. In the primary field the number of schools maintained was 159 and those only aided were 1,369. In 1931-32 all the District Boards in Bengal maintained together only 52 middle schools and aided 1,033 of them, while the number of primary schools maintained were 4,192 and those aided were 46,188.

About one-fourth of the total income of the District Boards during a particular year including of course the contribution from the Government is devoted to educational purposes. Thus in 1931-32 out of the total income of Rs. 1,48,00,000 including the opening balances, the District Boards spent Rs. 36,77,000 (in 1932-33 Rs. 37,51,798) on education. The proportion of course is not true in every individual case. In some districts educational expenses are more liberal and consequently in other districts they fall short of the provincial proportion. Thus in the District of Dacca out of an income of near about Rs. 6,00,000, Rs. 1,83,000 was spent on education, while in the District of 24-Parganas out of an income of Rs. 8,96,000, only Rs. 1,56,000 was devoted to the same purpose. We have already seen that about one-fourth of the total revenues of the District Boards is derived from contributions of the Govern-

ment. Of the total amount of such grants as much as Rs. 21,31,000 (in 1932-33 Rs. 20,96,000) was ear-marked in 1931-32 for education. Thus it comes to this that the District Boards spent in this year for education only Rs. 16,00,000 from its other sources of income and derived the remaining (major) portion of the expenditure under this head from the Government.

It is likely that the educational authority which the District Boards have exercised so long will to a large extent be withdrawn from them in the near future. In 1930, the Bengal (Rural) Primary Education Act (Bengal Act VII of 1930) was passed by the Legislative Council at the instance of Sir K. Nazimuddin who was then Minister in charge of Education. It aimed at the "progressive expansion" of elementary education in the rural areas of Bengal. It provided to this end for the imposition of an educational cess upon the immovable property as well as upon the net annual profits from mines and quarries (Section 29). It also provided for a special machinery for the introduction of new elementary schools and the management and control of old ones. (The Government did not think it possible that the District Boards along with the performance of their Public Works, Public Health and other onerous duties would be in a position to devote sufficient attention to the question of expanding elementary education on a wide and efficient basis. The Government was convinced that in every district there should be a separate School Board to take up this function of education.) Accordingly this provision for a separate school authority in the districts was embodied in the Act of 1930. It would be out of place here to discuss in detail the constitution of these School Boards as provided for by the Act. This much should be pointed out that the Board has at present to work under the direction of its official Chairman, the District Magistrate. [Section 6(a) lays down that the District Magistrate is to be *ex officio* a member of the Board for two terms, *i.e.*, for eight years. As he is a member he is automatically appointed the President of the

Board by the Government under Section 8 (1)]. It should also be noted here that the School Board is practically as large in its membership as the District Board itself. Section 6 lays down the strength of the Board. Under it the total number of members of the School Board of Mymensingh is 31, whereas the total strength of its District Board is 33.

For over four years the Act was in abeyance. Soon after the enactment of this legislation, the trade depression came to be very keenly felt in the province and the collection of the new cess appeared to be out of the question. (If money was not forthcoming, extension of primary education was impossible. The introduction of a separate School Board would not alone serve the purpose. Consequently the District Boards continued to be the education authority as they had been in the past.) But in the beginning of 1934, the Government decided to apply the Act of 1930 in certain districts so far as the introduction of separate School Boards was concerned. (The economic slump was still unabated and the imposition of the cess was still impracticable. But even with the existing financial resources, the Government thought that separate school authorities would be in a position to show better results than the District Boards.) Accordingly in one district after another, the District Board was divested of the jurisdiction over primary education, and this function was vested in a separate School Board. Up till now in ten districts including Mymensingh this change has been effected. It is expected that the same policy will be followed gradually in other parts of the province as well.

(I do not think that the policy underlying the introduction of the separate School Boards is any way justifiable. *Ad hoc* bodies for the discharge of different local functions constitute an antiquated and exploded method of public work. It has been proved in different countries that local bodies become efficient instruments of administration only when different functions are concentrated in the same authority. When a body is commissioned to perform only one particular duty, it is unlikely that a sufficient number of able and desirable

candidates will come forward to contest its membership. The institution naturally therefore suffers in efficiency and reputation. Its administration also becomes unnecessarily expensive. The travelling and halting allowances have to be paid to the members of all the *ad hoc* bodies, while in case these functions were combined in one body only, one set of members would have required this payment. The staff also has to be in some cases at least duplicated, and that involves an extra outlay which might have been otherwise avoided. Lastly, it should be known that the members of a Board which is concerned with several duties develop that sense of proportion and that practical imagination which can hardly be expected of people who are entrusted with the performance of one specific duty. In the case of the separate School Boards in Bengal, some justification might have been discovered if universalisation of primary education was the immediate end.) If a district survey had to be undertaken, the needs of the people were to be ascertained, an adequate number of new schools was to be at once established and the principle of compulsory attendance was to be immediately enforced, an *ad hoc* School Board might have been justified. It might have remained in existence for a period necessary for accomplishing these immediate duties, (and once the machinery of universal and compulsory elementary education was satisfactorily at work, it might have been dissolved, and the whole responsibility might have again been vested in the District Boards.) In England after the passing of the Act of 1870, separate school authorities were set up, but after the immediate work was accomplished, they were abolished, and the Act of 1902 vested this function in the regular local bodies. In cities, separate improvement boards are not often established, but as a particular area is improved under its direction, its municipal duties are handed over to the city government proper. Similarly also as one area after another is brought under the scheme of compulsory and universal primary education, it may have been transferred to the control of the District Board. But in the

absence of any such scheme, it has been unwise to deprive the District Boards of an important function and vest it in an authority which is very much unlikely to exercise it more efficiently. (The application of the Act of 1930 in this form has weakened the District Boards without strengthening the cause of elementary education in this province.)

(The District Board is the chief medical and sanitary authority for the rural areas in the districts.) Of course the powers exercised by this local authority are concurrent with the jurisdiction of the provincial Government. The latter may establish a dispensary, hospital or any other such institution on its own account in any place it chooses to do so. Similarly the Government may also take any sanitary measure on its own responsibility in any area. The Provincial Government has its own local agents also for undertaking such duties. (But the Government as a rule regards its direct responsibility as properly discharged if it sets up some model dispensaries and hospitals. The rest of the work is left to the local authority to be performed, of course with the financial assistance and supervisory help of the Government.)

Sections 66 to 72 of the Local Self-Government Act empower the District Boards to establish and manage dispensaries themselves as also to assist by financial grant in the management of such institutions by other authorities. Sections 87 to 91A similarly make it obligatory for the District Board to provide for the proper sanitation of its district and empower it on that score to take necessary steps for the supply of water for drinking and culinary purposes as also for cleaning the drains, water courses, etc. It has to maintain suitable medical and sanitary staff so that its duties under this head may be efficiently performed.

The expenditure on public health and sanitation considerably increased during the last ten years. In 1926-27 the Boards spent under this head only about Rs. 22 lakhs. But in 1932-33, the amount spent rose to Rs. 34 lakhs and 66 thousand. The considerable increase in this expenditure has

been made possible only by the increase in the financial grants of the Government for public health and sanitation purposes. In 1926-27 the grants of the Government to this end were only Rs. 3.84 lakhs while in 1932-33 they rose to Rs. 13.85 lakhs. It was in 1926 that the Government of Bengal accepted a scheme of more intensive work in the rural areas for the improvement of public health in this province. The scheme will come in for discussion at a later stage but it is enough to observe here that the grants of the Government had to be considerably added to so that this scheme might be put into operation.

Out of the total expenditure of Rs. 139 lakhs chargeable to current income of the District Boards, they spent as much as Rs. 34.66 lakhs for public health in 1932-33. (In other words, about twenty-five per cent. of the disbursements was devoted to this purpose). This proportion was of course not maintained by all the Boards. The District Board of Burdwan ear-marked only 20 per cent. of its expenditure for this purpose while the District Board of Dacca set apart to this end about 29 per cent. The policy followed by the different Boards is also not the same. With regard to the number of dispensaries to be maintained and aided, they do not act according to one single scheme. Each follows its own method. It has of course been accepted by every one of the Boards that there should be at least one dispensary of its own in every *thana* (Police Circle). But beyond this provision, each Board works in its own way. (There should be an all-Bengal plan made by the Government as to the number of dispensaries to be maintained and aided in a particular area by some public authority. To this plan the District Boards should be expected to conform)

The area covered by the District Board of Howrah is only 518 square miles and its population is 843,647. But the area of the District Board of Pabna is 1,678 square miles and its population is 1,344,633. But all the same the number of dispensaries maintained by the Howrah District Board is 14 and those aided are 20. In Pabna however the

number of the dispensaries maintained is only 10 and those aided are also 10. Nor can it be said that the dispensaries in the Pabna district are more efficient institutions. Average expenditure per dispensary from the District Fund is Rs. 1,300 in Howrah and Rs. 1,168 in Pabna. (It is high time that the Medical Department of the Government of Bengal should chalk out a scheme for the establishment and maintenance of dispensaries in the different parts of this province. This is no doubt a matter for the District Board itself to deal with. But if the Government places this scheme before the public and points out in its Annual Resolutions that certain Boards did not act up to it, pressure may be brought to bear upon them by local opinion.) It is not enough that there should be one dispensary only in one *thana*. A large area like this cannot be served by one dispensary in a desirable manner. People cannot be expected to walk a distance of four or five miles to have patients treated and their prescriptions served in the *thana* dispensary. As facts stand the number of dispensaries has hardly increased during the last few years. One or two additions have been made in every district indeed, but all of them are village dispensaries maintained by the Union Boards and aided to some extent by the District Boards. In cases of certain simple ailments, these dispensaries have a value of their own but in other cases their utility is practically nil. In 1928, the Dacca District Board maintained 37 dispensaries and aided 10. In 1931, the number maintained rose to 39 but that aided came down to 9. In other words the total number was increased only by one. In Howrah, the total number of dispensaries maintained by the District Board was, in 1931, 14. Two years later in 1933 it remained the same. In the former year again the number of aided dispensaries was 19. In 1933, it increased by one. The progress was thus little. In 1933 in the twenty-six districts of Bengal, the number of dispensaries increased by 42. In the Resolution of the Government, it is not on record as to how many of these added dispensaries are main-

tained by the District Boards themselves and how many are only aided institutions. Personal investigation in some districts convinces the writer that most of them are village dispensaries maintained by the Union Boards and aided to some extent by grants of the District Boards. *¶* It is time for the Government to move in the matter and make an improvement in the provision for medical relief. If the contributions of the Government towards the public health and medical expenses of the District Boards are increased by about Rs. 6 lakhs per year and if for a few years to come some capital grants are made, the District Boards may be enabled to have an additional dispensary in every *thana*. *¶* Any way it is time for the Government to make some comprehensive plan for increasing the facilities for medical relief in the province. *¶* \*

In 1924, the late Mr. C. R. Das proposed in the Bengal Legislative Council that the Government should be more up and doing with regard to the improvement of public health in the province. He suggested that about one crore of rupees might be raised by loan and this amount spent on giving effect to a comprehensive scheme for combating the insanitary conditions in the rural areas. The Government accepted the idea underlying the scheme and with effect from 1927 rural health units came to be gradually established in the province. The scheme of the Government was to the effect that every *thana* should be constituted into one such unit. A small sanitary establishment consisting of three men,—one sanitary inspector, one health assistant, and one carrier—was to be created in every one of such units. It was estimated that the expenses per unit would come up to Rs. 2,000 a year and this money would be found by the Government. *¶* It would be the duty of the sanitary inspector and his assistants to disinfect the tanks and wells, to make propaganda work by lectures and cinema shows and to assist people in a locality where some epidemic might have broken out. *¶*

(In order that the health units might properly work, it was decided in certain districts to enlist popular co-operation.) It became the policy to hold by beat of drums a public meeting in the premises of the Police Stations every year. The District Magistrate or the Sub-divisional Officer would preside over these meetings where a lecture would be delivered by either the Health Officer of the District Board or some other functionary on the necessity of living a sanitary life. After the lecture, some persons would be chosen in an informal way to form a committee. This committee was to meet from time to time under the chairmanship of the Sub-divisional Officer and make suggestions to the sanitary inspector as to the way that work should be pushed in the health unit.) Actually these committees seldom meet. People who live away from the *thana* headquarters hardly take the trouble of attending the meetings. The work is therefore pursued by the sanitary inspector mostly in his own way. Only now and then instructions are conveyed to him either by the Health Officer of the District Board or by the Sub-divisional Officer under whose direction the *thana* health committees were expected to work.

In certain districts the experiment of this *thana* health committee has not been attempted at all. In every sub-division of such districts there is a sanitation committee. It consists of the members of the District Board representing that area and some other gentlemen among whom are included the Chairman of the Local Board. This committee meets under the chairmanship of the Sub-divisional Officer and works under his direction. It has not of course much to do. But generally the convention is developing that money allotted to the sub-division for sanitation purposes is to be handed over to this committee at least in part, and it is then for this committee to distribute the amount among the different health units according to their needs.)

The practice of a separate sub-divisional committee for public health and sanitation purposes does not appeal to me at all. (In case a local committee was needed at all, it was

already to be found in the Local Board.) The powers delegated to the Health Committee could have been easily conferred upon the Local Board. But it is understood that as the Local Board now-a-days works under the chairmanship and direction of a non-official member, the local officers of the Government did not approve of this delegation of powers to this authority. For years the idea has gained ground in the Government circle that the local officers of the Government were losing their old influence over the people partly because they were no longer so intimately associated with the local self-governing institutions as they had happened to be years ago. It was thought that if for public health purposes a local committee was set up, no matter if it was a *thana* or a sub-divisional committee, the Sub-divisional Officers should be placed at their head. That way they would come to exercise some direct control over the sanitary inspectors and through them they would be brought into intimate touch with the people during the time that some epidemic might break out and the people might be in distress. It was expected that in such hours of peril, if the people found the Sub-divisional Officer directing the sanitary inspectors so that the epidemic might be arrested, their respect for his position and authority would grow and their support of the Government would increase. From this standpoint of political expediency this method of work may indeed be supported, but from other standpoints it cannot any way be encouraged. (So long as the Local Boards are not abolished, if any work is to be done regionally, it should certainly be delegated to these bodies) But to our mind, the whole approach is being made from the wrong angle. (There is in the first place no necessity for this local committee at all. Even if the *thanas* are retained as the health units, the sanitary inspectors may very well discharge their duties effectively and satisfactorily without the control of these committees. The District Board has a number of touring officers who are expected to keep their watch over the activities of these inspectors.) It has its Chairman, the Vice-Chairman, and the

Health Officer and in some cases even two Assistant Health Officers. These functionaries may see to it that the sanitary inspectors are not remiss in the performance of their duties. Besides these officers acting from above, there are the Union Boards below whose Presidents and members are vitally interested in the health of their localities. They also may see to it that the sanitary inspectors do not neglect their areas. (If they find them negligent in the least, certainly they may lodge their complaints with the District Board authorities.)

The health establishment of the *thana* is run at the expense of the Government. But it should be repeated here that this expense is included in the 13.85 lakhs of rupees which the Government contributed towards the district fund for medical and public health purposes. (Any way every pice spent on the rural health units comes from the provincial exchequer. The control of course is generally vested in the District Boards.) The sanitary inspectors and his assistants are appointed on the responsibility of the District Board and they are accountable also to the same authority. But so far the sanitary inspectors have been recruited from among those persons who secured their sanitary training in the classes supported and patronised by the Government. (As soon as there was the requirement of such an officer in a particular District Board, its Chairman would apply to the Director of Public Health, Government of Bengal, for a suitable candidate.) The sanitary classes have now been abolished but all the men trained therein have not yet been absorbed in the health units. (So although theoretically the District Boards appoint these inspectors, actually it is the Director of Public Health who chooses them on behalf of the Boards concerned.) A particular health unit in the district of Dacca was not some time ago working at all. The explanation was that the sanitary inspector of that unit had gone out of service and the Board had written to the Public Health Department of the Government of Bengal for a substitute. As however none was yet sent down, the work of the unit had to be temporarily closed down.

Although the sanitary inspectors are recruited according to this procedure, there is no gainsaying the fact that they are the servants of the District Board. They are paid ultimately by the Government indeed, but so far as they are concerned, they draw their salary from the District Board. The conditions of their service are also determined not by the Government but by the District Board with which they are associated. But although it is true to say that these sanitary inspectors are the servants of the District Board, we have seen already that they have to work more or less under the direction of the Sub-divisional Officers. Their position is thus to some extent at least anomalous. It is nowhere on record that the powers of control informally vested in the Sub-divisional Officers are any way connected with the fact that the money for the sanitary units is found absolutely by the Government. But although it is not on record, it is the opinion of the writer that the idea lurks at the back of the mind of at least the local officers of the Government that such control should be the inevitable corollary of the money spent by the Government. But this idea is altogether at variance with the system of control which the Government has up till now exercised over the local bodies. For the grants made by the Government it has not so far insisted on any specific exercise of power over the departments enjoying the benefit of this financial assistance. (The Government has been content with the general control and supervision provided for in the Local Self-Government Act.) It is time for the District Boards to protest against the assumption of power by the Sub-Divisional Officers over the Sanitary Inspectors, informal though this power of control has been.

By 1930 health units were organised in as many as 555 *thanas* and by 1931 every police circle outside the District of Darjeeling and some mining areas in the District of Burdwan became a health unit. The Minister of Local Self-Government in reviewing the reports on the working of the District Boards in 1930-31, observed that "on the whole the benefits of the scheme have come fully up to expectations, the sani-

try inspectors providing both a local inspecting and precautionary agency in matters of Public Health and a mobile force within the district available for concentration on emergency measures on the occasion of a serious epidemic." One year later the Minister could not take the same rosy view of the working of the sanitary staff of the health circles. It was given out to be "somewhat uneven." We have been told that the units can be made very valuable instruments for promoting public health. But to this end systematic expert supervision is essential from above. The Health Officer of the District Board does not however find it possible to exercise that detailed supervision which alone can make for efficiency in the sanitary staff. It is only in a few of the districts that Assistant Health Officers have been appointed to this end. Such appointments however are too expensive for all the Boards to indulge in. (To my mind the whole scheme of organising sanitary work in the villages should now be reconsidered and a better method should be discovered for ensuring proper return for the money which is being spent on the sanitary establishment in the *thanas*.)

The work of the health units is at present mostly of the statistical character. Facts and figures as to the epidemics of various diseases within the circle and as to the general condition of public health in different parts of this unit are collected by the Sanitary Inspector and his assistants. The collection of such data is essential for preventing epidemics and taking necessary steps for the improvement of Health and Sanitation. But in many districts, it is the general opinion of the people that the sanitary officers have proved to be negligent and inefficient with the result that when epidemics actually broke out it was found that no plan had been evolved for preventing and combating them. It has been complained by the inspectors that the Union Boards did not duly co-operate with the sanitary staff of the *thana* and did not give it due notice as to the outbreak of such epidemics. (Without the co-operation of the local people and the Union Boards, they think it out of the question to do anything useful.) In

the Village Self-Government Amendment Act which has been recently passed by the Bengal Legislative Council, a clause (11) has been embodied to the effect that the President of a Union Board will be henceforward obliged to supply simultaneously the District Health Officer as well as the local Sanitary Inspector with information as to the outbreak of any epidemic within his jurisdiction. This will improve the condition of things to some extent. But it is essential that the Sanitary Inspectors should not sit tight in their headquarters and wait for information to come from the Union Boards. They should also make it a point to attend, whenever possible, the meetings of the Union Boards so that the discussions made there on sanitary and public health questions of the locality may be listened to and participated in by them. By questions also they can extort sufficient information from the members of the Boards as to the condition of health in their respective wards.

But the improvement suggested in the foregoing paragraph in the methods of work will be more or less a patch-work. It will not take us very far. (What is wanted is a comprehensive change in the system of sanitary organisation. It was not really wise on the part of the Government to insist on the creation of these new health units for developing sanitation in the rural areas of Bengal. In another connection we have disapproved of the tendency of the Government to go in for *ad hoc* bodies for the discharge of different local duties.) The organisation of the new health circles should be objected to on the very grounds on which the idea of separate School Boards has been condemned. The Union Boards, constituted under Act V of 1919, have considerable responsibility for sanitation and public health of the locality. (It has been found that although the responsibility is onerous in this respect, the financial resources are too slender for the Boards to cope with the task.) In average a Union Board in Bengal spends only about Rs. 500 for Education, Public Works and Public Health. There are many Union Boards again which cannot spend more than Rs. 200 a year for the

performance of all these municipal and welfare duties. (If instead of creating new Health Units to give effect to the Government scheme for improving sanitation in the villages, the Union Boards were made responsible for its working, these institutions would have become solvent in their resources and better and more efficient as an instrument of public welfare.) If the money was distributed among the Union Boards, every one of them would have secured in average about Rs. 200 a year from this source. The sum may appear to be rather insignificant. But when we consider the average income of a Union Board, the addition by Rs. 200 is certainly substantial. If every year this sum is added to the amount spent by a Union Board for sanitary and public health purposes, much can certainly be done in this direction.

If the Union Boards are substituted for Health Circles, the problem of supervision over the Health Units which the District Boards have found so far to be more or less baffling, is easily solved without much money being spent on that score. (Already there is a machinery for controlling and supervising the work of the Union Boards. It may keep proper watch over the way that this new grant made by the Government through the District Boards for sanitary purposes is disbursed by them.) It may be pointed out that a Union Board with its slender resources will not be in a position to maintain proper staff for collecting data, compiling statistics and taking preventive as well as curative steps when epidemics may break out. But it is our idea that if proper co-operation between the District and the Union Boards is maintained, the latter may easily perform these duties quite efficiently and satisfactorily, perhaps more so than the existing Health Units. As for the collection and preparation of data and statistics, the Union Boards are certainly in a far better position to perform these duties than the sanitary staff at the *thana* headquarters. (The members of these Boards are in close and intimate touch with the condition of things in their villages and can supply the exact data for the compilation of statistics. What the Union Board requires for

this purpose is the technical help of a qualified man in this field. It is the duty of the District Board, the highest local health authority in the area, to supply this expert assistance from time to time.) If in average four or five Sanitary Inspectors are maintained by a District Board, they can move about and help the Union Boards as to the method of arranging and keeping these health data. As for the work of disinfecting tanks and wells, this is already a part of the duty of the Union Boards, and this duty they are expected to perform more intensively if they receive the grant. In case of epidemics actually breaking out in some parts of the Union, it is not expected to be difficult for the Board to requisition the services of some local doctors for meeting the emergency.

(It is common knowledge that the sanitary inspector of the thana has on many occasions done nothing to tackle situations like these. The Union Board however being a local authority will be compelled to send its agent at once to the spot to fight the epidemic. Any way it appears to be wise that the Union Board should be made the local unit instead of the thana. Concentration of authority and duty in a particular body always makes for better and more efficient work.)

(The opening and maintaining of communications in the district is one of the most important functions of the District Board.) A decade ago this was taken to be the primary duty of the Board. (Originally it was only for this purpose that the District Committees were organised.) The Local Self-Government Act of 1885 transformed the District Road Committee into District Boards and made over to them some other local functions indeed but still it was the building and maintaining of roads which continued to be the main work of these authorities. The way in which this primary duty was performed constituted the standard by which the general administration was to be judged. (The amount of emphasis which the District Boards placed upon this function is brought out by the fact that the District Engineer was not only the highest paid officer of the Board but he was practically the only functionary of his kind under the Board.)

There was no Secretary, no Health Officer, but it maintained a large engineering staff headed by a highly paid District Engineer. Even now he draws in most instances a far higher salary than the head of any other department. Besides the engineering department of the District Board enjoys far greater autonomy than what is conceded to any other department. The District Engineer even now has greater voice in the working of his department and in appointing and controlling his subordinates than the other chief officers. (The existence of the Local Boards is also an index of the emphasis which was once put upon the public works.) These bodies, it has been pointed already, have practically nothing to do with any other function of the District Board. (They are concerned only with opening and maintaining communications.) If decades ago, the same importance was attached to other duties of the District Board, it is certain that the powers in these fields also would have been considerably delegated to the Local Boards. But this has not been the case.

During the last eight years, however, the attention of the District Boards has been considerably diverted from this function to other duties, especially public health. 'Communications' has fallen from its old position of pre-eminence in the District Board administration. Since 1926 the amount of money spent on this department has been reduced year by year so that the expansion of activities in other spheres may be ensured. In 1926-27 the total expenditure of the District Boards of Bengal was under this head Rs. 36.5 lakhs. Three years later in 1929-30, it fell to Rs. 33 lakhs. In 1930-31 it fell further and came down to Rs. 31 lakhs and in 1931-32 the figure reached Rs. 29 lakhs. In 1932-33 there was a slight increase. But this is explained only by the increased subventions from the Central Road Fund. The change in the attitude of the District Boards as to the importance of communications is brought out into clear relief when we consider specific cases. In 1928-29 the District Board of Dacca spent Rs. 80,395 under the head, 'Communication.'

It should be noted that even this amount was lower than the figure of the preceding year by more than Rs. 4,000. But in 1931-32, the total expenditure on account of communications came down to Rs. 61,500. This is certainly a phenomenal fall. Of the 29 and odd lakhs of rupees spent by all the District Boards of Bengal under this head in 1932-33, Rs. 59,000 was devoted to original works and the rest to repairs. Inspite of this large proportion of expenditure being due to repairs, the condition of the roads and bridges is deplorable in most parts of the province. The bridges especially will demand overhauling in the near future. The Commissioner of the Dacca Division in reviewing the working of the District Boards within his jurisdiction in 1932-33, remarks that the capital expenditure which would be required on this account would tax every Board's revenues to the utmost.

The Government complains that the District Boards have little justification in lowering their expenditure upon communications. But the Boards in their turn reply with sufficient candour that unless they spend less upon Communications and Civil Works generally, they cannot do any justice to the demands of the other departments. (Water supply, medical requirements, sanitation, education—all these have a claim upon the purse of the District Board. It cannot minister to the welfare of the people unless some steady attention is paid to these subjects.) But this cannot be done without withdrawing some money from communications. Besides the development of motor traffic has considerably damaged the roads and bridges of the District Boards. Therefore it is only in the fitness of things that a good portion of the expenditure of the Boards upon communications should be contributed by this new transport business. It is true that the Board derives an income from the Motor Vehicle Tax which is realised by the Government. But it gets next to nothing from the duty which has been imposed upon patrol. The money derived from this source is largely handed over to the Provincial Road Boards. These Boards are to open and

maintain motor roads from this income. Some portion of this fund is of course made over to the District Boards but the condition is that this money is to be spent only on the upkeep of the provincial roads which were opened by the Provincial Government but which have been transferred to the District Boards for maintenance. (The District Boards appear to be of opinion that their income must now be somehow augmented, otherwise it will not be possible for them to cope with the task which they are expected to perform as adequately and efficiently as possible.)

(If the District Boards are to be more useful to the people, methods must be devised to increase their income) In most of the districts of Bengal it is only upon land that the cess is imposed. In fact only the district of Burdwan and some neighbouring tracts that derive any revenue from the mines and quarries. Under the Cess Act, the cess can be imposed only on the net income derived by the owner from these mines and quarries. In the neighbouring province of Bihar, an arrangement is being made to the effect that this cess may be imposed in the near future not on the basis of the net income but on the basis of the amount of coal which is extracted from the mines. It is expected that under this proposed arrangement the income of the District Boards of the coal-producing area will be considerably enlarged. Although the mining area is not very large in Bengal, a similar reform may be introduced in this province. The cess upon lands should also be made to yield a larger income than it does at present. Its collection on the basis of the acreage rate, as determined under the Amendment Act of 1934, is expected of course to add to the income. It is true that some of the exponents of the Government observed in course of the discussion of the Amendment Bill in 1934 that the new reform would neither add to nor take away from the income of the District Boards. But these observations notwithstanding, it is estimated by persons who have technical knowledge of cess valuations that the income will be increased by about 20 per cent. at least. In the District of Bankura the cess per

acre is at present calculated at 2 as. 6 p. On the basis of the acreage rate the cess may be calculated at 5 as. In other words there may be an increase in the income to the extent of 50 per cent. Any way despite the opinion of the Government members in the Legislative Council it is likely that under the new scheme the District Boards will be the gainer to some appreciable extent. But this expected addition to their income will not certainly be enough. Other avenues must also be explored.

(The District Boards are empowered by the Act under Section 80 to establish tramways and railways of certain description on their own account.) But no district in Bengal has utilised this provision up till now. Three District Boards only have any income from railways. District Board roads are used by private light railway companies in 24-Parganas, Howrah and partly in Hooghly. In 1932-33 according to the contract with these railway authorities the three District Boards just referred to received an income of Rs. 4,699, Rs. 43,463 and Rs. 110 respectively. It is to be seen if by more enterprise in this field, some appreciable addition to the income may be ensured. In the eastern districts which are intercepted by innumerable rivers and canals and subject to inundation for about five months during the year, to maintain proper trunk roads for railway purposes will involve an expenditure which is out of the question for the District Boards to undertake. In the western districts again railway facilities provided by the Central Government and other authorities are not quite insufficient. The District Boards have therefore not much of a scope for undertaking responsibility in this sphere. (But the little opportunity that there is in this field should be fully utilised by the District Boards)

(Under the Bengal Tenancy Amendment Act of 1926, the tenants do not submit the landlord's fee, on transfer of land, directly to the landlord himself. They are required to deposit the money in the office of the Registrar.) From there it is shifted to the District Treasury and therefrom the money

has to be withdrawn on the responsibility of the District Collector and handed over to the landlord concerned. But when there are co-sharers of the land, all of them have to be alert and send their agents together to have the money withdrawn. But as such joint action has been found on many occasions to be out of the question, the money has accumulated in the District Treasury. (The law again provides that if within a specified period the landlords do not withdraw their fees they will have to forego them altogether.) In this fashion every three years a large sum of money lies idle in the Treasury and cannot be withdrawn by its rightful owners. (It may be suggested here that this amount, after the specified period has elapsed, may be handed over to the District Board with or without conditions.)

(The grants made by the Government to the District Boards should also be increased. Some increase is possible even without the Government going in for fresh taxation. Some of the activities of the Government even in the Department of Local Self-Government overlap with those of the local bodies.) In the Medical and Public Health Departments especially such overlapping is noticeable to a large extent. (In case the Government allows itself to be merely the supervisory authority and the duties are exclusively left to the local institutions for performance, a good amount of money may be released and this sum may be handed over to the District Boards and Municipalities as additions to the grants-in-aid.)

Again if money is to be raised by fresh taxation, it is better that the Government raises it and distributes it as grants-in-aid among the local bodies. The sources of taxation by the local bodies are but limited and they are as a rule inelastic. It is therefore good that the Provincial Government should undertake the responsibility.)

(It may be suggested that along with the imposition of the Education and Road and Public Works cesses, a Public Health cess may also be levied) It may be pointed out that already the people are hard hit and on that account the Education cess has not yet been actually imposed although the

Primary Education Act was passed in 1930. But it is unlikely in the first place that this period of depression will continue for ever and ever. In the course of two or three years it is expected that there will be some kind of re-adjustment. Secondly, the collection of the Education cess has been regarded as difficult even in these lean years simply because the principle underlying the cess is quite inequitable. The cess is to be levied under Section 29 of the Primary Education Act to the extent of five pice on each rupee of the annual value of land. Of this amount, the zemindars are to pay only one pice and a half and the raiyats three and a half (under Section 30). The collection of the cess would have been feasible even in this period of depression provided the burden fell more heavily upon the rent-receivers than upon the rent-payers. In most districts, especially in the eastern and northern divisions of the province, the zemindars enjoy considerable unearned income. When the Permanent Settlement was first introduced in 1793, the underlying principle was that of the money collected 90 per cent. was to go to the Government and 10 per cent. was to go to the zemindars. But at present there are zemindars who pay only fifteen per cent. of the rent realised to the Government as revenue and enjoy the rest of the rent themselves. Concrete instances may be cited of estate-holders with a rent roll of one lakh of rupees a year paying only fifteen thousand to the Government as revenue and about three thousand as Road and Public Works cess. If the Education cess is levied, they will be required to pay about two thousand more. In other words they will continue to enjoy near about Rs. 80,000 a year. If the proposed cess for Public Health is imposed, it is not likely to be any way a burden in such cases.

(The arrangement of course will be better if instead of imposing three separate cesses, the Government lump and consolidate them into one comprehensive cess to meet the requirements of the different departments.) If the value of the land is to be determined by rent, it should be arranged for the new consolidated cess that the tenants are to pay two

pice in the rupee while the portion of the zemindars is to vary from one anna to three annas in the rupee according to the proportion of revenue they may happen to pay to the Government. Two principles in fact should be observed. (The first is that the share of the zemindars should be greater than that of the tenants. The second is that the amount of the cess to be paid by the zemindars should vary in an inverse ratio to the proportion of revenue they have to pay to the Government. This arrangement will have two salutary effects. The first is that the income from the cess will be far greater than it is at present. The second is that the inequalities which the working of the permanent settlement during the last one hundred and forty years has brought out will partially at least be mitigated.)

The scheme laid down above points only to the lines along which reform should be made. It is not worked out in details. If however an examination is made, the scheme is not likely to turn out to be either inequitable or un-wholesome. Some critics may of course point out that it will be inconsistent with the Permanent Settlement. But if the cesses already in existence may be imposed without any detriment to the character of the Permanent Settlement, the system proposed which will only make the arrangement more just need not endanger it.

(It should be repeated that whatever sources are tapped, the Government and the public should bear it in mind that the income of the District Boards must be considerably increased, otherwise they cannot be potent instruments of public welfare. )

## CHAPTER VIII

### GOVERNMENT CONTROL

(The control exercised by the Government over the District Boards is both legislative and administrative. These bodies have been created by a legislative enactment. They exercise only those powers which have been conferred upon them by that enactment. (They cannot undertake any duty which has not been specifically granted to them by the Act.) The statute again is not detailed in all its sections and provisions. (Consequently Section 138 of the Act confers upon the Executive Government the power to make rules for the District Boards to observe. These rules make the legislative control more stringent than it otherwise would have been. It may be pointed out that as these rules are framed by the Executive Government at its discretion, the control which they involve should be regarded as administrative and not as legislative.) But it is more scientific to call it legislative in view of the fact that the rules only extend and clarify the provisions of the legislative enactment. Similarly the control exercised by the Government over the authority of the District Boards to frame their bye-laws may be included in the Legislative section. (Section 139 of the Statute empowers these bodies to pass bye-laws. But only those District Boards which have been specifically empowered to do so by the Provincial Government may exercise this right.) Besides as a bye-law is passed, it must be confirmed under the same section by the Commissioner of the Division before it is effective. In view of these facts it may be pointed out that the Legislative control

of the Government over the District Boards is as stringent as it can be?

The stringency of the Legislative control did not however exempt the District Boards from far-reaching administrative control. Such control has been exercised during the last fifty years both from within and from without the District Boards. In the early eighties of the last century when the establishment of these local bodies was under contemplation, the prevailing opinion was that the control should be exercised only from without. It was suggested that the local executive officers of the Government should not be directly associated with the District Board administration. It was even suggested that the external control also should not be exercised through their agency. The Government of Bengal went to the length of suggesting that there should be established a Central Provincial Board of three members for exercising supervision over the local bodies. Ultimately however as explained fully in the introductory chapter, the plan of the Central Board had to be abandoned and the local officers of the Government were given both internal and external control over the working of the District Boards.

(As referred to already, the District Officer continued to be the Chairman of the District Board from its first introduction in 1885 to 1920.) During the last 15 years elected Chairman has indeed become the rule but the right of election is enjoyed entirely at the discretion of the Government of Bengal. In two districts of the province, Midnapore and Bankura, which enjoyed this right until 1930, there are now official Chairmen. A District Board with a District Officer at its head is practically an annex of the District Collectorate. He himself presides over its meetings and guides its deliberations. He is also the Chief Executive Officer of the Board and the head of its permanent establishment. He is also practically the authority which nominates one-third of the members of the Board, whose votes are consequently almost always at his disposal. (As District Officer again he

wields an influence which is all-pervading, and there are few members who would not think it necessary to act up to his wishes.) If he is inclined to a particular line of action or to a particular programme of work, he can have it sanctioned by the Board without much of a difficulty. (As regards external control which is vested in the Ministry of Local Self-Government and the Commissioner of the Division, it is as a rule exercised on the advice of the District Officer.) It comes to this, therefore, that in one capacity this functionary initiates a line of action and a programme of work and in another capacity he recommends them for sanction and has them actually approved of.

The Government has considerable opportunity of influencing and controlling the affairs of those Boards as well, which have no official Chairmen, and this control is both internal and external in character. (Not only it can check and even veto a policy which is laid down by a Board but it can oppose also from within its initiation itself.) (One-third of the members of the Board, it may be repeated, is nominated and among the nominated members are counted the Sub-divisional Officers.) Their association with the Board may or may not be of much help to its administration, but it is certainly a source of influence and control for the Government. (The presence of these officers in the Board meetings is considered necessary because they may, from within, become an effective check upon those lines of action which are considered undesirable by the Government.)

This control from within is completely at variance with British traditions and practice. In England the control of Whitehall over the affairs of the Local Government was, one century ago, purely legislative. During the last 100 years an administrative control, progressively stringent in character, has been evolved. (But both legislative and administrative control is exercised from above and not from within. The affairs of a county are managed on the responsibility of the County Council, a body partly elective and partly co-optive.

There is no spokesman of the Government upon this body. The officers of the county are also entirely under the control of this Council.) The appointment of some of them may be subject to the sanction of the Central Government and some others may have to be recruited according to the rules framed by Whitehall. But once their appointments are made, they are the servants of the County Council and not of the Government. So the control exercised by Whitehall is entirely external. (It can encourage, warn, check and veto the actions of the local body only from afar.) The control from within which is a feature of the local self-governing organisation in Bengal has a parallel only in continental countries. In France, the central control is exercised from within by the Prefect who is the pivot of the administration of the Department.) He is an officer appointed by, and responsible to, the Central Government but happens at the same time to be the President and the Chief Executive Officer of the Departmental Council. (He occupies practically the same position as the District Officer in Bengal when he is placed at the head of the District Board administration. It is time that this continental arrangement which is inconsistent with full exercise of local initiative and responsibility, is abandoned in Bengal, and the control from without is alone exercised.)

External administrative control is not associated with the financial grants made by the Government to the District Boards. In England it is the evolution of the grant-in-aid system which made administrative control by Whitehall over the local bodies possible. (But in Bengal such control is entirely independent of the grants which are made to District Boards. The control is noticeable in the first instance in the appointment and payment of an adequate staff for the different departments of a Board.) Under the Local Self-Government Amendment Act of 1932, no appointment, the monthly salary of which amounts to Rs. 200 or more, can be created or abolished without the approval of the Divisional Commissioner. Nor can any nomination to, and dismissal from,

such an appointment be effective unless it is confirmed by the same Officer of the Government. Before the Amendment Act was passed in 1932 the rule was more stringent still. Such control then applied to officers carrying even a salary of Rs. 100 per month. In the case of the dismissal of officers, the control of the Government and the Divisional Commissioner extends to far lower posts as well. (Even when an officer drawing the monthly salary of Rs. 50 is dismissed by the Board, he has a right of appeal to the Commissioner who may call for the records and reinstate the officer in service.) An officer again who happens to draw a monthly salary of Rs. 100 or more has in a similar case of dismissal an appeal to the Government of Bengal. (Before 1932, no such right of appeal to the Commissioner and the Provincial Government was allowed by the Statute to officers drawing so small a salary. The dismissal of only those officers whose appointment had to be confirmed by the Government was subject to the sanction of the same authority.) The Boards exercised unqualified control over the appointment and dismissal of the rest of the staff. But in course of the discussion of the Local Self-Government Amendment Bill in the Bengal Legislative Council in 1932, it was pointed out that factions and cliques in the local bodies were so strong that an officer was dismissed only to make room for a candidate of a particular clique in power.\* This being the experience of many members, the provision with regard to the appeal was easily allowed by the Council to be embodied in the Act.

Under Section 32, a District Board is required to send to the District Magistrate for transmitting to the Divisional Commissioner a copy of every resolution passed by it at a meeting within seven days from the date of such meeting. \* In case it is thought that the execution of such a resolution "is likely to cause injury or annoyance to the public or to any class or body of persons or to lead to a breach of the

\* Proceedings, Vol. XL, No. 2 (1932), p. 81.

peace," the Magistrate of the District or the Commissioner of the Division may, under Section 124, by order in writing, suspend the execution of this resolution.) The necessity of such interference does not of course arise very frequently. It is only in rare cases that the exercise of authority under this section becomes necessary. A District Officer of thirteen years' experience informed the writer that he had known only of one case of such interference. But although the exercise of power under this section was rare, it would be inadvisable that this power should be withdrawn. (The very fact that the agents of the Government had this power in reserve has a deterrent effect upon the Boards which otherwise might have on occasions at least contemplated action which would have been dangerous to the local peace.)

(The District Boards have to send plans and estimates for any work the total cost of which may exceed Rs. 10,000 to the Inspector of Local Works and the Commissioner of the Division for approval) In England such sanction of plans and schemes is only a concomitant of the grant-in-aid system. Such right is not vested in the Central Government by Statute, independently of the grant-in-aid made by that authority. (But irrespective of any grant, it is the definite provision embodied in Section 86 of the Local Self-Government Act of Bengal that such plans and estimates must be submitted for approval to the Commissioner who is to be advised in this matter by the Executive Engineer of the Government (the functionary vested with the duties of the Inspector of Local Works). Before the Amendment Act was passed in 1932, the Government of Bengal framed rules from time to time under Section 86 with regard to this matter. It was to be laid down in these rules as to the amount up to which the District Board would be exempted from referring to the higher authorities for the sanction of its plans and estimates. Naturally the rules varied from time to time. Before 1904, no sanction was required for plans whose cost did not exceed Rs. 1,500. After that for about six years in Eastern Bengal

which was then a separate province, approval was necessary even for plans of Rs. 500.\* In 1912, Eastern and Western Districts were re-united into one Presidency and about this time decentralisation became to some extent the policy of the Government and henceforward exemption from sanction was gradually allowed to the District Boards for plans and estimates of an increasing value and at the time that the Act was amended in 1932 the District Boards were not required to apply for sanction unless the cost of a plan was likely to exceed Rs. 15,000. But this experiment was not reported by the District Officers to be quite successful. At the instance of the Government, a separate proviso was added accordingly to Section 86 in 1932. It definitely lays down that plans for all works the total cost of which will exceed Rs. 10,000, must be submitted for sanction. Sometimes to evade such approval the District Boards were found to split up their works so that the cost for every part might be less than the exempted amount. (The proviso just referred to lays down that no such splitting up would be permitted so as to avoid the requirement of sanction. The right to sanction is not an empty formality. On many occasions plans submitted for sanction have been found to be either unnecessary or unsound or both and they have been turned down quite justifiably. The Inspector of Local Works is an experienced engineer of the Public Works Department. His technical advice is expected to be sound. He has besides usually a very good idea of the needs and requirements of the different parts of the area served by the District Boards in his Division. (The control exercised on his advice is likely to prove beneficial to the Boards.)

By Sections 47 and 48, the Commissioner of a Division has been empowered to exercise some control over the budgetary powers of the District Board. On or before the day

\* Report of the Decentralisation Commission (Parliamentary Paper, Vol. XLV of 1908, p. 196).

prescribed in the rules framed by the Provincial Government, every District Board has to submit to the District Magistrate a statement of the requirements and an estimate of the probable expenditure for the ensuing financial year, for transmission to the Commissioner. The District Officer forwards it along with a note of his own to the Commissioner who scans the budget items in the light of the note of the District Magistrate and usually approves of it with or without suggestions of some minor alterations.) Decades ago, the Commissioner used to interfere in minute details of the Board's financial policy. But for the last ten years or more, the District Magistrate and the Divisional Commissioner both examine only the broad items of the budget. They see if the Board has maintained its usual balance (in the case of the Board of 24-Parganas Rs. 30,000), and has proposed to spend the income from the Road cess according to traditional proportions for communications, water works, etc. Sometimes when a District Board road passes through a municipal area, the Board expects the Municipality concerned to maintain the portion which is included in its jurisdiction, and usually makes no provision for its upkeep. The municipal authority in turn takes it to be a District Board road and leaves it as it is. (It is the duty of the District Magistrate and the Commissioner to co-ordinate the policy of the two authorities. When therefore the budget of the District Board is submitted, the Commissioner on the recommendation of the District Magistrate, insists that some provision must be made for the maintenance of the District Board roads within municipal areas.) It thus appears that although the Commissioner has under the Statute the right to veto the budget proposals of the Board and insist on their being framed according to his suggestions, he does not at present interfere in details. (The broad supervision however that he exercises seems to be still necessary.) It does not matter whether this control is exercised by him or some other important functionary on behalf of the Government. But the control must be there.

(In case it is withdrawn altogether and the District Boards are allowed to enjoy statutory autonomy in respect of the framing of their budget, there is every likelihood that administration will be far less efficient than it is at present. It is certainly expected that in that contingency money will be disproportionately spent on one department to the detriment or rather staryation of the other subjects.)

(The District Boards are also subject to the authority of the Provincial Government in the matter of auditing its accounts. Under Section 55 of the Statute, this Government is entitled to appoint an officer for this purpose and the Accountant of the District Board is required to produce the accounts so that they may be duly audited by him.) The audit control however has not grown yet so stringent in respect of the District Boards of Bengal as it has become in the case of the local bodies of Great Britain and also for some time past in the Corporation of Calcutta. An Examiner of Accounts belonging to the Department of the Accountant-General, Bengal, is deputed to undertake this task. He has however no right to surcharge the person or persons responsible for any work which may be regarded by the auditor as illegal or unconstitutional.) The auditing affair is therefore still a simple business. The Government of Bengal does not yet exercise much administrative and financial control over the working of the District Boards through this agency.

Under Sections 125, 126 and 131 of the Statute, the Government of Bengal either by itself or through the agency, and on the initiative, of its local administrative officers may exercise considerable local powers. (In case the District Board neglects the performance of a work which the law requires it to do, the Commissioner of the Division may, by order in writing, fix a period for the performance of that duty. If still the Board persists in neglecting it and refuses to comply with the order of the Commissioner, the latter may appoint a person to do the work instead and direct that the remuneration of this person as well as the expense of per-

forming the work shall be paid forthwith from the District Fund. If the District Board thinks that the Commissioner is not acting properly in this matter, it may prefer an appeal to the Ministry of Local Self-Government and the decision made by it is to be regarded as final. Under Section 126 again, if the Magistrate of the District is of opinion that immediately for the safety of the local people some work should be performed, he may have it done on his own responsibility and through his own agent, although the duty is by law vested in the District Board. He may also direct that the expense involved in the performance of this work shall be paid by the District Board at once.

Under Section 131, the Government of Bengal is empowered to supersede a District Board for a period of three years, provided it is convinced that the Board is not competent to perform its duties or that it persistently makes default in performing them or exceeds and abuses its powers under the Act. Before of course actually ordering the supersession on these grounds, the Government is required to ask the Board for submitting an explanation for its conduct. In case this explanation is not sufficient, the supersession may be ordered. In 1932 when the Act was amended, a provision was added to this section to the effect that the Government instead of superseding the District Board may resort to a more mild step. The Board may be dissolved and a fresh election ordered. In other words the Board which proved to be incompetent should be allowed to remain no longer responsible for the administration of its functions. A fresh Board might be constituted to undertake the responsibility.

So far as the municipalities are concerned, they are very frequently superseded in all parts of the country. But District Boards are not so dealt with. Usually the threat itself is more than sufficient and the Boards which might have acted inefficiently and even illegally rectify their conduct and proceed along right lines. Generally even the threat also is not issued. If the Government find that a particular

District Board is mismanaging its business, it merely removes the Chairman and appoints the District Magistrate to this key position.) This is actually what the Government of Bengal did during the last few years with regard to the District Boards of Mymensingh, Midnapore, and Bankura. In respect of Midnapore there was for some time a speculation if the Board would be superseded and all the powers of this body would be temporarily vested in the District Officer. But this speculation did not come true.

(Supersession appears to be an extreme step which is hardly consistent with the principle of local self-government. Some power of supervision and control is vested in the Government to see that the local body does not misuse its powers and become corrupt and inefficient.) But the assignment of such power to the Provincial Government is not to be interpreted as meaning that the local functions may be administered by this authority as well. (Local duties are meant to be only locally performed. If therefore a Board persists in abusing and exceeding its powers, the Government should order its dissolution and call for a fresh election. In other words, it is for the local rate-payers now to decide if they would hand over the administration of the vital affairs of the locality to the old representatives or if they would pass censure upon them and return a new set of men.) It is unlikely that the local rate-payers will not be mindful of their interests. (This section should therefore be amended and the right to supersede should be withdrawn from the Government. It should have only the power of dissolution and of calling for fresh election.)

As for the working of the Sections 125 and 126, it may be said that during the last fifteen years there has been no exercise of power under them by the District Magistrate and the Divisional Commissioner. This has been so at least in those District Boards, information about the working of which has been collected for this work. Even if there are instances of the actual application of these sections, they



must be very few. But simply because it has not been necessary for many years past to take action under these sections, it is not to be taken for granted that they are not required. (At present the constitution of the Boards is such that the Local Officers of the Government need not resort to these sections at all.) One-third of the members is nominated. Some of these nominated members are Sub-divisional Officers who are eager always to act up to the law and the provisions of the constitution. Of the elective members also some at least are under the influence of this official group and they also are expected to be sufficiently conservative to see that nothing is unlawfully done and no compulsory duty is altogether neglected. It is always their concern to avoid censure from above. So long as the Boards remain so constituted, the exercise of power under Sections 125 and 126 may be few and far between. But this constitution cannot be allowed to continue for long and in fact in a previous chapter of this work it has been recommended that the official group should be withdrawn from the Boards and direct election by primary voters should be resorted to. (If these changes are brought about, now and then at least unscrupulous men or men with strong likes and dislikes may come into these Boards with a majority. They may, either out of corrupt motive or out of set purpose, neglect some essential duty. This persistent neglect will certainly call for the intervention of the Divisional Commissioners. It is good therefore that the sections remain embodied in the Statute.)

In England also similar powers are in certain cases vested in the Central Government. It is true that the administrative control of the Central Government over the local bodies is mostly derived in this country from the system of grant-in-aid. If they forego the benefit of the grants and persist in their refusal to obey the law, as a rule the Government can only invoke the aid of the courts of justice and then, as Ashley laid it down in 1906,\* "the conflict is no longer

\* Percy Ashley, Local and Central Government (1906), pp. 10-11.

between the local authority and a central administrative office, but between the recalcitrant authority and a legal tribunal.' ' But apart from this judicial control, the Government has been empowered to exercise some administrative control on its own account. This power is derived from Section 299 of the Public Health Act of 1875. By virtue of this provision, the Ministry of Health may get any work which has been neglected by the local body, done at the expense of this latter authority. ' ' A person,' ' explains Dr. Finer,\* ' ' who has an interest in the service in question makes a complaint that, for example, there are insufficient sewers, or no water-supply within a reasonable distance of the nearest house. The Ministry has power to appoint persons to perform the duty, and then by Order it may direct that the expenses of such action, together with a reasonable remuneration for the person who administers the performance, shall be paid by the authority in default. . . . ' ' The powers given to the Government by Section 299 of the Public Health Act of 1875 are thus strikingly analogous to similar powers vested in the Government of Bengal by Section 125 of the Local Self-Government Act. It is likely that the framers of this Act wanted to profit by the British example and it will be unwise now to recommend the repeal of this section, and the withdrawal of this power.

(Certain definite powers to check and control the vagaries of the District Boards must continue to be placed in the Government. But these powers should not as far as possible either be finally vested in, or even in practice exercised by, the local administrative officers of this Government.) It is true that for some years past the control exercised by these officers has been not very stringent. (But there is no gainsaying the fact that the traditions with which they are imbued are altogether antagonistic to the ideals of local self-government.) For over one century before the introduction of the local institutions, all governmental authority in the districts

\* Herman Finer, English Local Government (1933), p. 300.



was exercised by them. All public powers were concentrated in their hands. When the District and Local Boards were established under the Act of 1885, they became rather jealous of these new local authorities. Powers handed over to them were so much authority withdrawn from the District and Divisional Officers. The arrangement was in consequence not to their liking in the least. They saw to it therefore that nothing could be done by these bodies without any reference to them. The fact that the District Officer was placed at the head of the District Board was in this respect of immense use to them. The fact again that most of the powers of supervision were vested in the Divisional Officer counted also for much. Since the inauguration of the Reforms under the Government of India Act, 1919, the situation has changed to a large extent. As a rule, the District Magistrate is no longer the Chairman of the Board. (The Amendment Act of 1932 has transferred to the Government certain powers which were formerly exercised on the final responsibility of the Divisional Commissioner. But inspite of these changes, the spirit of the local officers of the Government has hardly altered. They still look upon themselves as responsible for the good government of the districts in all its aspects.)

In these circumstances, it is but natural to think that the development of local self-government will be hampered if the supervision over the local bodies is exercised by or through the District and Divisional Officers. Not only all the statutory powers of control vested in the Commissioner should be transferred to the Government of Bengal but what is more essential still is that the Government should exercise these powers through other functionaries and not through these local administrative officers. These latter should not be entitled to tender any advice in this field to the Government. (What is really wanted is that the local bodies and the local administrative officers should have rigidly separated spheres of action. Their orbits should seldom cross. )

The District and Sub-divisional Officers who were consulted on this question appear to be very pessimistic about this project of supervision through other functionaries. They are of opinion that now that the District Officers are no longer at the head of the District Boards, the opportunities for the misuse of their powers have become far greater. It is imperative, therefore, that there should be arrangements for much closer supervision of their affairs by Government servants " who carry some amount of privilege and authority." It is their further opinion that none but the local administrative officers will carry such weight and wield such influence as to become a true corrective to the vagaries of the local bodies.

(But if some experienced members of the Bengal Civil Service are appointed to be inspectors of local bodies, there is no reason why the proposed arrangement will not be effective.) As officers of this service they are expected to have sufficient knowledge of the conditions of the different parts of the province. Nor are they expected to command less respect than what will be necessary for the purpose. (If they have sufficient honesty and vigour which they are certainly expected to possess, they can constitute just the machinery for supervision which is required in the province.)

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**PART II**  
**UNION BOARDS**

## CHAPTER IX

### EVOLUTION

Village self-government in Bengal was given a start in 1870 with the passing of the *Chowkidari* Act in that year. For one hundred years after the acceptance of the *Dewani* (1765), the British Government showed no inclination towards organising self-governing institutions in the rural areas of the province. But since the early years of the 19th century the problem of village watch and ward had set the Government a-thinking. The village *Chowkidars* were in a most inefficient and disorganised state. If crime was to be checked and law and order maintained in the villages, it was essential that the *Chowkidari* system should be reorganised. There was a difference of opinion among the officers of the Government as to how this reform was to be brought about. Some of them were definitely of the conviction that the village police could be made efficient only by taking it entirely out of the local control and making it a subordinate branch of the regular constabulary. Taxes were to be raised from the villages for the maintenance of the *Chowkidars* but the local people would have no voice in the spending of this money. The *Chowkidars* in other words would cease to be the servants of the localities and would become, like the regular police, the agent of the Provincial Government. Against this view-point was pitted the opinion of other officers who did not want to destroy altogether the local character of the village police. They saw no wisdom in making the *Chowkidars* an integral part of the regular police organisation. The non-official Bengali opinion, as represented by the British Indian Association, preferred local control to be maintained over the village watch and ward.

In 1869 a Committee was appointed with Mr. Rivers Thomson, then Secretary to the Government of Bengal, as the Chairman. This Committee pointed out that the *Chowkidars* would better fulfil their duties if they continued to feel that they were more the servants of the localities than the agents of the Government. It accordingly recommended that the *Chowkidars* should not be made part and parcel of the regular constabulary but should be local men appointed and controlled by a village body to be known as the *Panchayet*. It was on the basis of the recommendations of this Committee that a Bill was introduced in the Bengal Legislative Council on the 22nd January, 1870, by Mr. Rivers Thomson which became Act VI of that year. It empowered the District Magistrate to appoint by a *sunnad* a *Panchayet* in any village which contained more than sixty houses. This *Panchayet* was to consist, as a rule, of not less than five persons.\* This body was to be entrusted with the duty of appointing and maintaining the village watch. It was to supervise its activities and secure its regular payment. Each member of the *Panchayet* was to be responsible for the due report of all crimes to the police. The *Panchayet*, in fact, was to be held responsible for the maintenance of law and order in the village. The *Chowkidars* were to be its instrument in fulfilling this task.

The *Panchayet*, we have noted, was to be a body not elected by the villagers but appointed by the District Magistrate or a subordinate officer chosen by him. In fact, it was ordinarily a police officer who went to the village and nominated the members of the *Panchayet*. This practice was followed inspite of the provision in the Act that some Magistrate was to be deputed to the village by the District Officer to communicate personally with the residents of the village and explain to them the general duties of the *Panchayet* before actually nominating this body. Again, as

\* Sec. III.

the members of the *Panchayet* were appointed on the authority of the District Magistrate, so they could be removed also on the same authority from office. Another important feature of the *Panchayet* was that it was not a voluntary office. If any person properly qualified was appointed a member of this body, it was not open to him to accept or decline the offer. Any person who refused to serve as a member of the *Panchayet* might be subjected to a fine of Rs. 50.\* Nor were the responsibilities of this body very light. It was to assess and collect *Chowkidari* tax in the village.† It entrusted one of its members with the duty of collecting the rate and keeping the accounts thereof. It was lawful for the *Panchayet* to permit this member to retain any sum not exceeding six per cent. of the amount collected by him to repay the costs of such collection. In case the amount assessed was not collected, the Act empowered and authorised the District Magistrate to levy the arrears from the members of the *Panchayet*.‡

It has been observed that the *Chowkidars* were to be appointed by the *Panchayet* but it could not dismiss them on its own authority. The sanction of the District Magistrate was required to that effect, before any *Chowkidar* could be dismissed by the *Panchayet*.§ During the discussion of the Bill in the Legislative Council, Maharaja Jatindra Mohan Tagore objected to this provision on the ground that it would tend to undermine the authority of the *Panchayet* and make the *Chowkidars* remiss in their duty. He moved an amendment to the effect that if the members of the *Panchayet* were unanimous as to the dismissal of a *Chowkidar*, no sanction of the District Magistrate would be necessary. But the Government spokesman opposed this amendment. He pointed out that in many villages two factions were notice-

\* Sec. VIII.

† Sec. XIII.

‡ XLIV and XLV.

§ Sec. XXXV.

able and if this check on the authority of the *Panchayet* was not provided for in the Act, the *Chowkidars* would not be sure of a secure tenure of office.\*

The Act of 1870 set up indeed a village council but conferred upon it only some powers with regard to the watch and ward. No authority in respect of local sanitation, communication, education or similar other functions was vested in this body. An attempt was made to supply this deficiency in 1883 when the Bengal Local Self-Government Bill, originated under the inspiration of Lord Ripon's Government, was on the legislative anvil. In the measure which Mr. Colman Macaulay introduced in the Bengal Legislative Council on January 20, 1883,† was embodied a provision for the institution of a committee for a union of villages. This Union Committee would be concerned with the management of local pounds, schools and roads. But it would not have anything to do with the village police, which function would remain vested in the *Chowkidari Panchayets*. These Union Committees would be constituted by election, but this election would be of an informal character.

While the Bill was passing through its tortuous course in the Legislative Council, Mr. Westmacott of the Indian Civil Service was placed on special duty for the formation of the Union Committees which were to be the bed-rock of the local self-government system provided for in the original Bill. In the Sub-divisions of the Burdwan and Presidency Divisions and the Munshigunge Sub-division of the Dacca District, he was successful in forming altogether one hundred and eighty Union Committees. First of all he got a plan ready with the advice of the local officers of the Government as to the number of Union Committees to be set up in the different Sub-divisions and as to the villages over which each such Committee was to have jurisdiction. Then either personally he would visit

\* Proceedings, Vol. IV (1870), p. 96.

† Proceedings, Vol. XV (1883), p. 12.

a village or ask the Sub-divisional Officer to undertake the duty. On his visit, the people of the villages to be included in the Union would be assembled in a central place and name in his presence the persons who were to be on the Committee. In some places this informal election roused a keen enthusiasm among the people. Mr. Westmacott, however, after constituting one hundred and eighty Union Committees had to give up his work in this field. The Local Self-Government Bill had to be recast in the light of the new suggestions of the Secretary of State and the Union Committees were no longer to occupy a crucial position in the local self-government structure. The place which was intended for them in the original Bill had now to be given in the recast Bill to the Local Boards which were to act as the agents of the District Boards. There was not sufficient scope in the initial stage of the local self-government experiment for two sets of bodies for agency functions. Consequently it seemed that the Union Committees already organised were still-born. In the absence of any encouragement from the Government, their number, in fact, began to dwindle from year to year until in 1904 it came down to only fifty-four in the whole province.\*

While an arrangement was being made for the establishment of Union Committees, the sword of Damocles was hanging over the head of the *Chowkidari Panchayets*. The Act of 1870 went into effect at once and was in operation in the different districts. They showed at first some definite signs of success but very soon reports came pouring in from local officers of the Government that the object with which they had been started was not being fulfilled. In 1882 a Commission presided over by James Munro, then Inspector-General of Police, was appointed to investigate into the working of the *Panchayets*. This Commission submitted after a careful enquiry a very full and able report. The

\* Sir S. P. (Lord) Sinha placed these facts before the members of the Legislative Council in 1918. Calcutta Gazette, Pt. IV A, 24th April, 1918.

findings of the Commission were that (i) the *Panchayets* had signally failed voluntarily to accomplish the chief object with which they were created, *viz.*, the regular payment of the salaries of the *Chowkidars*, (ii) that notwithstanding the apathy of the ninety per cent. of the *Panchayets*, the *Chowkidars* now received salaries with tolerable regularity once a quarter, (iii) that such regularity was attained only by constant supervision on the part of the local officers amounting at times to harassment which had not been contemplated by the framers of the Act as necessary or advisable, (iv) that in the absence of such harassing supervision there would have been neglect and the *Chowkidars* would have remained unpaid, and (v) that appointment as members of the *Panchayets* was intensely disliked by the people of the villages as such appointment was compulsory, unremunerative and undignified and as it involved on the part of the *Panchayets* the risk of attachment and sale of their property in the event of collection of rates being in arrear. The unpopularity of the office of the *Panchayet* was further aggravated by the fact that it subjected people to distasteful supervision at the hands of magisterial and police officers. The Commission was also constrained to report that the selection of the *Panchayets* was not made with proper care. The nominations made by the local police had been too readily accepted as final. The Commission had also reasons to believe that the assessment was in many cases unfair and accounts produced by the *Panchayets* were almost universally fictitious. Hence the Commission recommended that the law should be drastically amended and many of the existing powers of the *Panchayets* should be withdrawn from them.

Accordingly, Mr. Garrett, Secretary to the Government of Bengal, introduced a Bill in the Legislative Council on January 16, 1886, to amend the Village *Chowkidari* Act of 1870. He pointed out that this Act was framed in a spirit of entire trust in the village people and it was hoped that

the sense of self-interest would induce them to make the village police an efficient instrument of law and order. But the control vested in the *Panchayet* had not been properly exercised. In the interest of better management of watch and ward of the villages these controlling powers should consequently be curtailed in some directions. He now proposed that the *Panchayets* should no longer enjoy the final power of appointing the *Chowkidars*. They would henceforward make only the nominations and the final authority to appoint would be vested in the District Magistrate. The existing power of punishing and dismissing the watchmen should also be entirely taken out of the hands of the *Panchayets* and vested in the District Superintendent of Police subject to the general control of the District Magistrate. The *Chowkidars* again would not be obliged to receive their pay from the *Panchayets*. They would receive it at the police stations which they would be compelled to attend henceforward at stated periods and report there as to what was going on in the villages. It was also proposed that the *Panchayets* would be relieved of the burden of collecting the rates, this duty being vested in an officer to be appointed by the District Magistrate and to be known as the *Tashildar*.\*

The Bill came in for severe castigation at the hands of the members of the Legislative Council. Mr. Anthony MacDonnel observed that when the Act of 1870 was passed it was expected that the membership of the *Panchayets* would be eagerly sought for by well-to-do villagers. Instead, however, there was noticeable among them a singular antipathy to such offices and for this unpopularity defects in administration were to a great extent responsible. The District and Sub-divisional Officers did not take the amount of interest in the constitution of the *Panchayets* which they should have been well advised to do. He cited an instance

\* Proceedings, Vol. XVIII, Pt. I, 1886, pp. 14-15.

to show how indifferent these officers actually were in the matter. On one occasion a Deputy Magistrate was deputed to establish *Panchayets* in certain villages. He, however, did not think it worth while to go to the villages himself. He spent his time in the neighbouring *thana* and sent a police underling to select the *Panchayets*. This latter went to the villages, exempted all the well-to-do people on some money being paid to him and chose some poor uninfluential people to form the *Panchayets*. These helpless men compelled to be *Panchayets* on pain of a heavy fine were scoffed at and hustled when out to assess the rate. The same police officer later on inspected the villages and reported that rates were not properly collected and the *Panchayets* were negligent. Mr. MacDonnel now suggested that there should be a provision in the Act that no *Panchayet* should be taken as finally formed until either the District Magistrate or the Sub-divisional Officer had visited the village and satisfied himself by personal enquiry that the social position and influence of the persons nominated to the *Panchayet* were of the requisite kind.\*

Mr. A. M. Bose directed his opposition to the provisions of the Bill in a more frontal way. He pointed out that the Government were moving in the wrong direction. It would not be by curtailing the responsibility but by increasing the power and dignity of the *Panchayets* that a real stimulus could be given to their initiative and efficiency. True remedy for the evils complained of would be found only in the growth of honest public spirit and opinion among the village folk. But this development was out of the question so long as the *Panchayets* were not given any real responsibility to discharge and were too much in the leading strings of the police. If this Bill was passed the local *Panchayets* would be a mere formality and the village watch would become a wing of the regular police. In the Select Committee to which the Bill

\* *Ibid.*, p. 21.

was referred, it was considerably recast and shorn of its many objectionable and retrograde features. Of the new proposals those only became finally embodied in the Act, which provided that the *Chowkidars* would receive their salary at police stations which they would be constrained to attend at stated intervals. Mr. A. M. Bose made a suggestion in course of the detailed discussion of the Bill in the Council that wherever Union Committees had been set up under the Local Self-Government Act of 1885 the duties of the *Panchayets* should be vested in them. The Lieutenant-Governor however himself interposed to object to this proposal of vesting police powers in the Union Committees. No reasons he put forward for this stand. The suggestion of Mr. Bose consequently fell through.\*

The attempt to curtail the powers of the *Panchayets* and centralise the village police proved to a great extent abortive in 1886. But in 1892 the Government again returned to the attack. A Bill was now introduced in the Bengal Legislative Council by Mr. (afterwards Sir) Henry Cotton, the Chief Secretary to the Government, for further amending the Act of 1870. Mr. Cotton in emphasising the necessity of the changes he proposed observed that the *Chowkidari* Act of 1870 had municipalised the village police. But if there was any function of Government which it was inexpedient to municipalise, it was the control over the police.† He wanted to see that the village watch was brought into closer touch with the Government. And by way of carrying out this objective, he proposed that the *Panchayets* would henceforward only nominate the *Chowkidars* the final appointment of whom would be the concern of the District Magistrate. It should be noted that this proposal was a part of the Amendment Bill of 1886 but in that year it was not approved of by the Legislative Council and had to be dropped but now in 1892 it was revived. The Amendment Bill introduced by

\* *Ibid.*, p. 62.

† *Ibid.*, Vol. XXIV, 1892, p. 5.

Mr. Cotton further provided that the number and salary of the *Chowkidars* also should henceforward be fixed by the District Magistrate. The Legislative Council this time approved of these amendments and the Act of 1870 was thus radically altered. There was only one saving grace in the Amendment Act which was otherwise a retrograde measure. It provided that the District Magistrate might, with the previous sanction of the Government of Bengal, ask the rate-payers in any village to select the members of the *Panchayet*. The selection would of course be subject to the approval of the District Magistrate. Even this mild provision was opposed by Mr. Cotton, who on this occasion entertained the view that democracy was unsuited to Indian conditions. The motion however was carried inspite of his opposition.\* The Act of 1892 practically withdrew the last vestige of authority which the Act of 1870 had assigned to the village *Panchayets*.

The centralisation of the village police which the Act of 1892 provided for, soon over-reached itself. Instead of adding to the efficiency of the *Chowkidars* it seemed to undermine it further. The village watchmen would fulfil their task better as servants of the local bodies than as the agents of the provincial authorities. This fact was brought home to the Indian Police Commission which was appointed by Lord Curzon's Government in 1902 and which was presided over by Sir Andrew Fraser, later the Lieutenant-Governor of Bengal. The Commission was convinced that the village police ought not to be separated from the village organisation and placed under the regular police. This conviction of the Commission was embodied in its report which was submitted in 1905. It did not desire to see a body of low-paid stipendiaries or subordinate police scattered over the country, but the utilisation of the village agency itself. "The village police officer," emphasised the Commission, "ought to be a

\* *Ibid.* pp. 44-73.

village servant holding his own place in the life of the village, the subordinate of the village headman." The Commission was also of opinion that a fair trial had not been given to the village system as introduced by the Act of 1870. The failure of this arrangement was certainly to a great extent due to the indifference of the District Officers. If they showed more care in the selection of the *Panchayets* the experiment would have been more successful. Instead of making an attempt in this direction the Government thought it right to divest the *Panchayets* of all the real control over the *Chowkidars*. This was, the Commission concluded, a serious error committed by the Government of Bengal.\*

In 1907 was appointed the Royal Commission on Decentralisation in India presided over by Sir Charles Hobhouse and among the members were Sir William Meyer and Mr. R. C. Dutt. The Commission submitted its report in the following year. This Commission was of opinion that not only the *Chowkidari* affairs should be managed by the village *Panchayets* but some other local functions also should be vested in these bodies. The Commission did not take kindly to the Union Committees which of late the Government wanted to revive and extend. A union of villages was in the eyes of the Commission an artificial unit and was not expected to capture the imagination of the people.† It was the village which was to be the foundation of rural self-government. It was hence essential both in the interests of decentralisation and in the interests of popular association with the local duties of government "that an attempt should be made to constitute and develop village *Panchayets* for the administration of local village affairs."‡ These bodies were to be responsible for the local watch and ward. Civil and criminal jurisdiction in petty cases which might crop up within the village should also be assigned to them. Construction and

\* The Report (Parliamentary Paper, Vol. 57 of 1905), pp. 694-95.

† Report (Parliamentary Paper, Vol. 44 of 1908), p. 244.

‡ *Ibid.*, p. 243.

repair of minor local works, *e.g.*, wells, drinking-water tanks, rest houses and village roads, should be similarly within the ambit of powers of these *Panchayets*. Village education also might be partially managed and controlled by these bodies.\* It was not for the District and Local Boards to exercise supervision over the *Panchayets*. These latter should be under the exclusive supervision of the local officers of the Government.† They should be elected henceforward by the village ratepayers. The election however should not be of a formal character. It should be of an informal nature. The Sub-divisional Officer or a special Officer of the Government should visit the village personally, assemble the ratepayers together and have the members of the *Panchayet* elected on the spot.‡ The Decentralisation Commission thus recommended the union of the *Chowkidari* and the local welfare functions in the hands of the same local bodies which had once been advocated by Mr. A. M. Bose but which had on that occasion been disapproved of by the Lieutenant-Governor of Bengal. The Commission recommended another new principle for acceptance by the Government, *viz.*, the exercise by these village bodies of judicial powers in petty civil and criminal cases.

In 1916 the Government of India, then presided over by Lord Chelmsford, considered the problems of local self-government and came to certain conclusions, mostly in the light of the recommendations of the Decentralisation Commission. In view, however, of the impending visit of the Secretary of State to this country for purpose of consulting Indian opinion regarding the future constitution of India, the publication of these conclusions was postponed. They were, however, embodied in the Report on Indian Constitutional Reforms which was published in 1918 over the joint signature of Mr. Montagu and Lord Chelmsford. The

\* *Ibid.* p. 246.

† *Ibid.* p. 248.

‡ *Ibid.* p. 245.

Government of India seemed to have accepted the recommendations of the Hobhouse Commission on the question of reconstituting the village *Panchayets*. It was contemplated that these bodies " might be endowed with civil and criminal jurisdiction in petty cases, some administrative powers as regards sanitation and education, and permissive powers of imposing local rate."\*

On April 24, 1918, Sir S. P. (later on Lord) Sinha, then a member of the Government of Bengal, introduced a Bill in the Legislative Council to extend village self-government in this province. He looked upon this measure as fraught with the promise of most beneficial and far-reaching results. Hitherto the *Chowkidari* and the municipal functions in the rural areas had been exercised by two separate sets of bodies. The salient feature of this Bill was the amalgamation of these two separate institutions. The *Panchayet* and the Union Committee would now be combined together into one local body.† Of late the Government had taken greater interest than in the past in the establishment of new Union Committees, and the number which had dwindled in 1904 to 58 rose at the end of 1917 to 198. Purposely, the Union Committees and the *Chowkidari* Unions were made co-extensive and the personnel of the *Panchayets* and the Union Committees was also made identical as far as possible. The way had thus been paved for the fusion of the two authorities. The new bodies, to be known as the Union Boards, would be invested, apart from their police duties, with the powers and functions necessary for the management of communal village affairs and would be entrusted with the powers of self-taxation necessary for discharging the duties assigned to them. Two-thirds of the members of this Board would be elected while one-third would be nominated. The President of the Board would be elected by itself.‡

\* Report, para. 196.

† Calcutta Gazette, Part IV A, April 29, 1918, p. 666.

‡ Ibid, p. 670.

A number of Unions would be grouped into circles, each circle having a Circle Board. The chief work of these Circle Boards would be to superintend the working of the Union Boards and subject to the direction of the District Board to distribute general grants among them. The Circle Board would supervise their operations, co-ordinate their plans and see that every one of them had fair treatment in the distribution of grants given by the District Board to a circle. The Circle Board would consist of 15 members, 10 of whom would be elected and 5 nominated by the Commissioner of the Division. The Board would have authority to elect its own chairman. It was further laid down that on the inauguration of the Circle and the Union Boards, the Local Boards, the Union Committees and the *Chowkidari Panchayets* would be abolished.\*

The Bill as introduced by Lord Sinha was referred to a Select Committee. Meanwhile, however, he had to leave the Government of Bengal to take up the duties of the Under-Secretary of State for India, in the Coalition Ministry of Mr. Lloyd George. The Select Committee which now worked without his guidance mutilated some of the salient features of the Bill. It cut out, at the instance of Sir Henry Wheeler, who was now placed in charge of the Bill, the provision for the Circle Boards. Here and there also some minor modifications were made. On January 21, 1919, Sir Henry Wheeler presented the Report of the Select Committee on the Bill to the Legislative Council. He drew the attention of the members of the Council to the discarding of the original idea of Circle Boards, which was the most important change made by the Select Committee in the Bill. He thought that such Boards would have been somewhat superfluous. They would not have been sufficiently large and important to attract keen and ambitious men to serve upon them. Besides, the existing Local Boards should not be so unceremoniously

\* *Ibid.*, p. 670.

shuffled out of the Local Self-Government system. It was better, he thought, to stick to the Local Boards and give up the idea of instituting the Circle Boards.\*

Mr. A. K. Fazlul Huq pointed out in course of the discussion that the Union Boards, proposed to be introduced, were expected to be lamentable failures and that on two grounds. In the first place they would be suffering from a chronic lack of funds and secondly, they would be too much in the leading strings of the local officers of the Government. The powers which had been vested in the District Magistrate should be transferred to the District Board. That would make for some relaxation of official control, relaxation that was so very necessary to the local bodies for appreciating their own responsibility.† There was also an opposition to the provision that one-third of the members should be nominated by the Divisional Commissioner. It was demanded that all the members should be elected by the rate-payers. But this opposition was of no avail. There was also an attempt on the part of some members of the Council to increase the powers of the Union Boards in respect of the appointment of the *Chowkidars* and the *Dafadars* who were made in the Bill more amenable to the control of the District Magistrate than to that of the Union Boards.‡ But this attempt also proved abortive. The Bill as recast by the Select Committee was passed without practically any modification and became the Village Self-Government Act of 1919 (Bengal Act V of 1919).

\* Proceedings of the Bengal Legislative Council, Vol. 51 (1919), pp. 32-33.

† *Ibid.*, p. 135.

‡ *Ibid.*, p. 734.

## CHAPTER X

### THE CONSTITUTION OF THE UNION BOARD

Soon after the Bengal Village Self-Government Act was passed it went into effect in some of the progressive districts, and gradually during the last one decade and more it has been extended over most parts of the Province. During the discussion of the Bill in the Legislative Council, some members expressed the opinion that the Act should be at once applied to every part of the Province. But this point of view was unacceptable to the Government and negatived by the Council.\* It was thought wise that the Union Boards should first of all be given a trial in the more suitable and congenial areas and as they proved successful there, they might be introduced step by step in other localities.

The Union Boards or, for the matter of that, the earlier institutions, the village *Panchayets* and the Union Committees are and were the creatures of the Government. They have not grown from below but have been imposed from above. Their existence as corporate bodies is not in any way independent of the Provincial Government. In fact, as they are brought into being by the Government, so at any moment they can be withdrawn also by the same authority. There is a definite provision in the Act empowering the Executive Government to abolish by notification the Union Boards in any district or part of a district where they have been introduced.† At the time of the passing of the Bill in

\* Proceedings, Vol. 51 (1919), p. 687.

† See, I (3).

1919, there was an attempt made by some of the members of the Council to withdraw this power proposed to be given to the Government. It was their opinion that the districts where the Union Boards had once been introduced, should not be deprived of them by the fiat of the Government. But this amendment was rejected by the Council at the instance of the Government spokesman.\* The Union Boards are thus absolutely dependent on the Government for their very existence.†

When the Union Boards are to be introduced in any district, the Government of Bengal have to consult the views of the District and Local Boards of that area.‡ It is of course not necessary that the opinions of the District and Local Boards should be binding upon the Government. But as the co-operation of these bodies is essential for making the experiment of Union Boards successful, the Government does not, as a rule, extend the Village Self-Government Act to those areas where the District and Local Boards are doubtful as to the necessity of its extension or the possibility of its success. Even when the local officers of the Government are enthusiastic about the introduction of Union Boards in a particular locality, the Government of Bengal does not usually fall in with their suggestion when the District Board is hostile or even apathetic. The fact that the Village Self-

\* Proceedings, Vol. 51 (1919), p. 690.

† It was the idea of the Hobhouse Commission as also of some public men here that a village and not a union of villages should be the basis of government. The argument was that a village was an organic unit while a union was only an artificial conglomeration. But practical difficulties are enormous in making a village the unit. First of all it is difficult to determine the line of demarcation between one village and another—one so unperceptibly shading into the other. Secondly the number of Union Boards is at present 4,071 and it will ultimately be about 6,000. If a village was the unit, the number of Boards could have been near about 80,000. They would have been neither financially solvent nor manageable for supervision.

‡ Sec. 5.



Government Act is still inoperative in the district of Midnapore, is mainly due to the positively hostile attitude which the District Board took up in this respect.

The number of members of a Union Board has to be fixed by the Government of Bengal, but the Act provides that they must not be less than 6 or more than 9.\* Within these limits the Government are to exercise their discretion. Usually the Union Boards have the maximum number of members. Of the total membership of a Board not more than one-third may be reserved for nomination by the District Magistrate.† Although the Government may, under the Act, reserve for such nomination less than one-third of the total number of members, everywhere during the last fifteen years that the Act has been in operation, one-third of the members has been invariably nominated by the District Magistrate. The District Magistrate can, under this Act, nominate only those persons to be members of a Union Board, who are eligible to be elected by the rate-payers in that capacity. It is the Circle Officer who in the first instance prepares the list of persons who may be nominated to a Union Board. This list may be revised by the Sub-divisional Officer and the revised list is then submitted to the District Magistrate who is to make the final appointments. The list of selected members is then forwarded to the Commissioner of the Division who sends it up to the Calcutta Gazette for publication. The procedure of nomination involves considerable delay. Very often, more than six months pass by after the general elections before the nominations are gazetted and the Boards properly constituted. Besides, the right type of men to be nominated is not available in many places.

Some District Officers on these grounds have advocated that the system of nomination should be discontinued, and all the members of the Union Boards should be elected by the

\* Sec. 6 (1).

† Sec. 6 (3).

rate-payers.\* It is also held that the principle of nomination by the agents of the Government is not in keeping with the ideals of democracy and the spirit of the times. Against these views, however, it is urged that the system of nomination is still essential to prevent the over-weighting of the Boards by any single community and the under-representation of other groups. It has been the policy of the District Officers to nominate two Hindus when the majority of the elected members is Mahomedan, and to nominate two Mahomedans when the majority of the elected members is Hindu. The system of nomination constitutes the only method to maintain a balance between the two rival communities. This argument of minority representation is not, however, quite a valid one. If any provision for such representation is at all necessary, reservation of seats for the two communities on the basis of the voting strength in the Union will be a welcome change. It is a fact of course, that here and there through nomination certain good and desirable men have come into the Union Boards. But generally speaking, only those persons who can curry favour with the Circle Officers have found their way to these institutions through the channel of nomination. As a rule, they are the most talkative, the most incompetent and the most self-seeking. Now that the Union Boards have been at work for about fifteen years, the principle of nomination may be wholly abandoned and all the seats may be thrown open to election.

Two-thirds of the members are now returned by election. Women have not yet been admitted to the privileges of franchise. The electoral system under which most of the Union Boards stand constituted at present is this that the male persons who are of the full age of twenty-one years are entitled to vote provided they have a place of residence within the Union and pay one rupee as tax or cess.† A joint un-

\* See the opinion of Mr. Martin, District Magistrate of Dacca, in the Report of the Dacca District Board on the working of the Union Boards for 1928-29.

† Sec. 7.

divided family which pays such a tax, rate or cess, may nominate any of its male members of twenty-one years to exercise the vote in its behalf. A Union usually consists of 10 to 20 small villages and the average number of voters is about 650.\* Generally the Union is divided into Wards. Two or three villages make up a Ward, and the number of Wards extends from four to six. Whether a Union should be divided into such Wards or not, it is the duty of the District Magistrate to decide. The actual constitution of the Wards also is a function vested in him by the Village Self-Government Act. These duties are, of course, discharged by the Circle Officer subject to the final sanction of the District Officer. In most of the Unions, every Ward returns one member to the Board. In some Unions, however, one or two Wards have been allotted two members.

The electoral roll of every Union is prepared, Ward by Ward, on the initiative and responsibility of the Circle Officer and at least two months before the date is fixed for an election, the list of voters has to be published at a conspicuous place within the Ward. This publication gives an opportunity to many people to point out the inaccuracies in the preparation of the electoral roll. The name of a person qualified to vote may be left out, and the name of a person not so qualified may have been entered. These inaccuracies must be brought to the notice of the Circle Officer at least one month before the date fixed for election. Whether the corrections intimated to him are valid or not, it is for him to decide and his decision is final. The revised list which he issues after these necessary amendments is the final register of persons entitled to vote at the election and no person whose name is left out of it is permitted to vote.

Any person who is a voter may stand as a candidate for election to the Board. He may be a voter in one Ward, but he is all the same entitled to stand as a candidate in any other

\* The Government of Bengal Resolution (No. 5392 L.S.—G.). In 1932-33 the number of Union Boards was 4,701 and the number of voters 2,570,800.

Ward. In practice of course, a man from another village does not stand much of a chance of success in the election. Consequently, it is very rare that a resident of one Ward seeks the suffrage of another. Even in municipalities where the citizens of one part are not unknown to those of another, localism is the dominating sentiment of the people, and the residents of one Ward are not usually entertained as candidates in another. This spirit is all the more noticeable among the rural population and it can be explained by the fact, that one village is separated from another by at least half a mile of arable lands. Social intercourse between them is not very intimate nor are communications very easy. A town has a corporate unity of its own ; but a Union though it is a legal person is an artificial combination of disjointed villages. Consequently, it should be expected that every Ward will find its own candidates.

At least six weeks before the day of election the Circle Officer issues notices calling for names of candidates for each Ward. Such notices are published at every village within a Ward. Within the next four weeks those who want to stand as candidates for election have to send their names to the Circle Officer supported by five other voters. Usually the elections in every Ward of a Union are contested. As a rule, two candidates stand for every Ward. Now and again, however, there are as many as three in the field. Sometimes, of the two candidates one is strong and influential while the other enters the arena more or less out of fun. In such cases the competition not being keen, the percentage of actual voting is not very high. About fifty per cent. of the electors in such elections exercise their franchise, but very often the two rival candidates are set up by two opposing parties or factions and consequently the competition becomes keen and the attendance of voters very large. It is not infrequently that eighty to eighty-five per cent. of the electors are found in the polling booth. There can be no complaint, therefore, as to the interest of the rate-payers in the elections.

A rule framed by the Government of Bengal under Section 101 of the Act provides that if ten per cent. of the registered voters do not record their votes, a contested election " shall be held to have failed." There are indeed some stray instances of failures of elections on this score. But on investigation it has been found that even this small percentage of voters failed to appear to exercise the franchise only out of a pre-meditated policy and not really because of apathy and indifference. In many places the introduction of the Union Boards was not welcome to the people, as they were supposed to be only an instrument of taxation and not that of welfare to themselves. When consequently they were set up in the teeth of popular opposition, the voters refused to exercise their franchise as a protest.

A mere high percentage of attendance at the polls is, however, not an exact indication of the true and genuine interest of the local people in the village institutions. When an election is fought by two or more candidates, their agents ask the voters almost repeatedly to go to the polling station and exercise the franchise. This request they cannot evade and actually in large numbers they cast their votes in favour of this or that candidate. In some parts of the province again the voters are otherwise induced to exercise their franchise. In some places, the candidates have only to make good the loss of wages which the voters incur on the polling day. If they attended to their day's duty, they might have earned eight or ten annas. This amount however they have to forego if they attend the polling station. Consequently they think it legitimate that the candidates should compensate for this loss. This is taken not as illegal gratification but as honourable compensation. In some other places however actual bribery has been found to prevail, though not on a very wide scale. One of the results of such bribery is that election expenses have increased considerably in certain parts of the province. The writer was told by a gentleman who has been for four terms the President of a Union Board in

the district of Mymensingh, that within his knowledge some of the candidates in his Union spent as much as Rs. 500 during the last election. As a rule the election expenditure should not exceed Rs. 75 or at most Rs. 100. Some candidates manage with far less. A considerable portion of the large sum spent for election purposes was evidently devoted to the purchase of votes. Up till now this corruption is reported to be limited to certain areas only. But it is not likely to remain confined to these regions alone. It may be extended to other parts of the province as well.

The practice of purchasing votes which has been resorted to in some places, points to the fact that although the voters may throng the polling stations at the time of election, they have not yet acquired that civic virtue which they are expected to possess. Secondly it has been found that the interest which the voters evince at the time of election evaporates altogether as soon as it is over. In the national or provincial sphere, there are many reasons why the interest of the voters should flag. Policies are shaped, and administrative measures formulated at a great distance and the ordinary people living in the country are not expected to pay that amount of attention to the public questions which as electors they may be theoretically expected to devote. But the village government is run under their very nose. If only they keep their eyes and ears open, they may acquire an excellent grasp as to how things are being done by the Union authorities. They find the wells dug, the roads and bridges built and repaired and drains constructed and kept going. If only they pay casual attention to these works, certainly they can easily be a healthy check upon the vagaries of the President, the Ward member and the Board. But they seldom take any interest in these matters. Once the election is over, they think their responsibility fully discharged. Public opinion in the villages is not in consequence a factor to be reckoned with. It is not assertive at all. If however local democracy is to succeed, local electors must be ready to take a continuous and almost

personal interest in the work of the Board. As electors, it is certainly one of their duties to vote intelligently and independently at the time of election. But it is equally an essential part of their responsibility that they should take throughout the year an even interest in the administration of the Board. They are the one steady element in the constitutional organisation of the Union Boards. The voters of the Union Boards in Bengal have not yet quite appreciated the position they occupy. They still fall far short of that standard of vigilance which they are expected to reach.

But although the existing electorate has not yet been properly trained, the Government of Bengal has been deluded by the high percentage of voting in the elections and has been convinced that it is time for the electorate to be extended. In fact in 1935 an amendment to the Act was passed by the Bengal Legislative Council at the instance of the Minister of Local Self-Government which will considerably add to the number of voters in every Union Board constituency. The amendment has received the assent of the Governor-General and has now been incorporated in the Act.

It has introduced for the first time a fancy franchise in the fact that henceforward those who have completed the middle English or middle vernacular education or who have passed the junior Madrassa examination have been admitted to vote. This is a step in the right direction. These people may be expected to have their intelligence and political sense more developed than the illiterate men who for their property qualifications alone are now entitled to vote in the elections. But while the amendment may be supported to this extent, its other features cannot be approved of at this stage. Under the old arrangement those who paid at least one rupee as cess or as Union rate became voters. The amendment lays down that those who pay only eight annas as cess and six annas as rate are to be admitted to franchise. It is a fact that if a person who pays one rupee as cess can exercise his franchise intelligently and properly, it should be assumed that those

who pay one anna less may also exercise it with similar ability. And if again a person paying fifteen annas can be reckoned as a good citizen, there is no reason why an individual paying two or three annas less cannot be so considered. But although in individual cases this argument may apply, generally speaking it is always discovered that those who have less property to manage and less interests to safeguard become less alert than people more fortunate in this respect. It may be taken for granted therefore that as the new amendment becomes effective, the electorate of the Union Boards will become less intelligent, less attentive to public affairs and less honest than it is even at present. In some cases the Union Boards have been in existence for fifteen years and the electors here have been accustomed to their business as voters for this fairly long period. But in other places, it is only recently that the Boards were first introduced and the existing electorate itself has not acquired much of experience. Under these circumstances it would have been wise for the Minister to wait for one decade more before bringing in this amendment.

Vote by secret ballot has been considered out of the question, as most of the voters are illiterate and inexperienced. In a particular place all the voters who appear are assembled together. The Presiding Officer who is either the Circle Officer himself or a person nominated by him, explains the nature and object of the meeting to the assembled voters and reads out the list of candidates and the number of vacancies. He then proceeds to take a poll for each candidate with his own hand. The agents of the candidates who are allowed to be present in the polling booth may object to a voter exercising his franchise only on the ground that he is not the person under whose name he claims to vote. Such objections are not infrequently raised by these agents, but the Presiding Officer has been empowered to dispose of these objections summarily and finally. He has usually by his side the clerk of the Union Board who collects the Union rate from house

to house and therefore knows by face practically all the voters. It is as a rule, with this help, that the Presiding Officer makes his decision. The voting being open, it often places the voters in a difficult position. The influence of the Zemindars and the money-lenders is in many instances brought to bear upon them. In many cases they have been found to exercise their independent judgment even in the face of the landlord's threats. But in other places, the voters become so cowed down as to allow themselves to be dictated to by the Zemindars and their agents. Inspite of this obvious defect, no better substitute for the existing arrangement of voting can be suggested until literacy spreads more widely among the people.

Under the existing Act, a member is elected for a period of three years. But Clause 6 of the new Amendment modifies Section 11 of the Act to the effect that the period is extended to four years. The member is of course subject to removal by the District Board during the term of his office on certain specific grounds. If he is convicted of any non-bailable offence ; if he is declared to be insolvent ; if without a sufficient excuse he absents himself from six consecutive meetings of the Union Board ; or if two-thirds of the total number of members of the Union Board recommend at a meeting his removal on grounds of misconduct in the discharge of his duties, he may be removed from his office by the District Board. Such cases of removal are very rare, if they have occurred at all. An elected member usually remains in office for two terms. The principle of rotation in office does not appeal very much to the electors. If a member can give a good account of himself, his return in the next election is in many places still a certainty. It is only the incapable and very corrupt members who lose the confidence of the rate-payers and have to be content with only one term of office. Either they do not stand at all as candidates in the next election, or even if they stand, they find themselves with few supporters. An honest and efficient member is hardly ever

forsaken by the voters. It is not rare at all that a person has been associated with the Board for more than three terms.

Every Union Board has a president and usually also a vice-president. Both these officers are elected by the Board from among its own members. Within a week of the publication of the names of the elected and nominated members in the Calcutta Gazette, the Circle Officer is deputed by the District Magistrate to convene a meeting of the Board. Such a meeting becomes valid only if five out of nine members are present. This meeting is presided over by the Circle Officer himself. It elects by a majority of votes a particular member to be the president. The votes are usually recorded in writing. Of course if a member is illiterate, the presiding officer has to record his vote according to his direction. If within one month of the District Magistrate's order the members of the Board fail to elect a president, the fact is to be reported by the Circle Officer to the District Magistrate who shall then call upon the District Board to appoint one of the members to be the president. No such instance of default has been discovered anywhere on an investigation by the writer. Once the president has been elected and the Board finally constituted, it proceeds to consider whether a vice-president is necessary or not. Most of the Boards usually decide in favour of electing a vice-president. A meeting is then held and one of the members is elected in this capacity. The president and vice-president both remain in office for a period of three years (four years under the new amendment). It is not necessary that the president should be elected from among the elected members only. It is not rare at all that the choice of the Board has fallen upon a nominated member. It has already been related that here and there persons of some local reputation are on occasions nominated to the Board. Such persons inspite of the fact that they are not returned by election, inspire all the same the confidence of their colleagues and are placed by their suffrage at the head of the Board. It has happened that a president who entered the Board during

the first term as an elected member and evinced considerable interest and efficiency in the activities of the Board, refused to stand for election in the second term. He however became nominated to the Board and was elected president unanimously by the members.

The Union Board itself cannot remove the president. It may recommend by the votes of two-thirds of the total number of its members the removal of the president on the grounds of misconduct and persistent negligence in the discharge of his duties. This recommendation, however, is effective only when the District Board approves of it. This latter authority may also on its own initiative remove the president on the same grounds as an ordinary member. The Union Board has greater control over the vice-president who may be removed on specified grounds by this Board itself, of course only with the votes of two-thirds of the total number of its members.

There are very few instances of the president being removed by the District Board. A few years ago a Circle Officer in a particular district (Nadia) sent a report against the presidents of two Union Boards to the District Magistrate. The grounds of his report were that they were incapable of acting in this capacity. These reports were sent by the District Officer to the District Board which issued an order for their removal. Some time ago a petition was sent to the District Magistrate by some rate-payers of a Union in another district (24-Parganas) to the effect that the president of the Board had been convicted of a non-bailable offence and as such he should not remain at the head of the Board. The petition was forwarded by the District Magistrate to the Chairman of the District Board. The latter found on investigation that the offence had been committed long before this gentleman was elected to the Board. His interpretation of the section of the Act which empowered the District Board to remove a president was that the offence should be committed during the term of office as an ordinary member or president of the Union Board. He took legal

advice and became confirmed in the opinion which he had already formed. The District Board consequently refused to take any step against the president in question.

The term of the president is the same as that of an ordinary member, *viz.*, three years, now four years. Usually when the president is not definitely incompetent and there are no violent factions in the Union, his terms are renewed. It is not rare at all that a person has been the president of a Board continuously for three terms. Here and there absentee presidents are of course noticeable. They have got their house in the Union, but they reside usually in some neighbouring town. As however, they have some local reputation and influence, they are elected president. Once a month they come to the village and preside over the Board meeting. Once this duty is done they go back to their work in the town. In their absence it is the vice-president who has to discharge the duty of the president. This arrangement does not redound to the credit of the gentleman who is elected president nor does it conduce to the efficiency of the Union Board work. If he does not allow himself to be elected president, another useful man may get into the office. But as the latter would not agree to be the vice-president, his services are consequently lost to the Board.

Usually such absenteeism is not encouraged and the president as a rule lives within the Union. Very often he is an ambitious member of a local land-holding family. In view of the fact that some members of the Board are illiterate peasants, some are petty shopkeepers and grocers and one or two are teachers of a primary school or village doctors, the scion of an ancient family which had a long tradition of local influence and prestige, is marked out almost inevitably for the presidentship. Not infrequently such a choice proves to be of real benefit to the Union. The president possesses a natural and hereditary talent for administration and exercises a healthy influence over the other members of the Board. The factions are kept down and the interests of every locality

are looked after. Not unoften, however, this recruit from an ancient family proves to be high-handed, unscrupulous and unjust. His fortunes are waning and the influence of his family dwindling. He now wants to make good his loss by the unscrupulous exercise of his powers as the president of the Union Board. He proceeds to replenish his depleted treasury by taking bribes and otherwise opening himself to illegal gratification. He tries to make his authority felt by the dishonest exercise of his powers in matters of assessment and other fields of Union Board activities. It is on this account that in certain Unions these high-handed pseudo-aristocrats are opposed by more popular candidates and a local doctor or a local tradesman is elected to the presidency. In certain Unions, retired executive or judicial officers take a keen interest in the local affairs and are either elected or nominated to the Union Board. As they inspire confidence in their colleagues, they are placed by their votes at the head of the Board. One retired subordinate judge has rendered a very useful service as president to a Union not far from Calcutta. But it is in eastern districts that these retired officers are found engaged more frequently in Union Board work. In certain Unions, the *bhadralogue* class does not exist at all and the members and the president of the Union Board have all to be chosen from the peasantry. An influential *Jotdar* has in these cases to preside over the Board's work.

The president is not only to preside over the meetings of the Board but is also to act as its executive head. Every thing of course has to be done on the authority of the Board. The Board passes a resolution and the president is only to give effect to that resolution. But a president who is to make himself useful to the Union has to take the initiative. He cannot wait for the Board to pass a resolution at the instance of some private member. He has to be vigilant. If he finds on inspection that something should be done in a particular Ward, he takes the Ward member into his confidence, talks the matter over with him and then places a



resolution before the Board as it meets next time. Once it is passed, he gives effect to it. The work is done through his own supervision or that of the Ward member. If the president is not active in this fashion, the work of the Board suffers. The president in fact occupies a pivotal position, and much depends upon his proper selection.

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## CHAPTER XI

### THE UNION BOARDS AND THE RURAL POLICE

The functions which have been vested in the Union Boards are of a diverse character. Some of them are compulsory, some optional and some are exercised only at the discretion of the Government. The compulsory duties are related to the maintenance of the rural police. It is the municipal and welfare functions which are optional. The Union Board may undertake works of sanitation and public health, provide for conservancy and drainage, construct wells and tanks, set up waterworks and otherwise make an arrangement for proper water supply. It may lay out and make new roads and repair old ones. It may similarly build and repair bridges. It may also establish and maintain primary schools and dispensaries. Further it may "undertake and carry out any other work of public utility likely to promote the health, comfort or convenience of the public." None of these duties however, have to be compulsorily undertaken by the Board. It takes them up, only if two-thirds of the total number of members decide in a special meeting to that effect. Many of the Union Boards also sit as judicial courts and try petty civil and criminal cases. These judicial powers are, however, vested in a Board only at the discretion of the Government. If in the opinion of the latter, a Board is not sufficiently advanced, it may not be given the right to exercise this jurisdiction. If again a Board to which this privilege has been granted is found to degenerate, this judicial power may be any time withdrawn from it.

(To provide for the watch and ward in the villages is a function compulsorily imposed upon the Union Board.\* It has to maintain a number of *chowkidars* and *dafadars* and raise on that account sufficient money by local taxation. It has to exercise a general control over these watchmen and take necessary steps to secure the due performance by these men of the duties assigned to them. The *chowkidars*† are to keep watch in the villages at night. They are to arrest even without a warrant any person who has been concerned in some cognizable offence or against whom a reasonable complaint has been made. They are similarly to arrest any person found in possession, without lawful excuse, of any house-breaking implement. They have to report to the officer in charge of the neighbouring police station the movement of all bad characters within the Union and the arrival of suspicious characters in the Union. They must, to the best of their ability, prevent any murder, robbery, theft and similar other offences from being committed in the Union. A *dafadar* is to supervise the work of the *chowkidars*. He may be said to be a head *chowkidar*. The number of *chowkidars* employed by a Union Board extends at present from six to sixteen, and the number of *dafadars* never exceeds two. In average a *dafadar* is placed in charge of ten *chowkidars*.‡

Although the Union Board has been invested with onerous responsibility in respect of watch and ward in the villages, the powers given to it are inadequate and insufficient. (The *chowkidars* and *dafadars* are no doubt to work under the supervision and control of the Union Board (Sec. 20.1.a) but the mode of their appointment and the conditions of their service are not such as to make them amenable to this control. The Board has no power to give appointment to any one of them. It can only nominate a person to be either a *dafadar*

\* Sec. 20.

† Sec. 22.

‡ In 1933, the total number of *chowkidars* in the province was 69,683 and that of *dafadars* was 6,628. Report on the Police Administration in the Bengal Presidency for 1933.

or a *chowkidar*. The District Magistrate may or may not act up to this nomination. The final appointment of a watchman is vested in him by the Act (Sec. 20.1). The District Magistrate, of course, does not discharge this duty himself. He delegates his authority in respect of the *chowkidars* to the Sub-divisional Officer, and to the Superintendent of Police in respect of the *dafadars*. So when some persons are nominated by the Union Board for these offices, the nominations have to be sent to the Sub-divisional Officer. The latter then makes enquiries through the police officer in charge of the local *thana* as to the correctness of these nominations. The police officer after enquiry submits his report usually through the Circle Officer. It is not infrequent that on the strength of this report nominations of the Union Board are rejected by the Sub-divisional Officer and other persons suggested by the police officer are appointed instead as watchmen for the Union. Practically the same procedure is followed in the matter of appointing the *dafadars*. Only the Superintendent of Police is substituted in this case for the Sub-divisional Officer.

As the village watchmen cannot be finally appointed by the Union Board, so they cannot be dismissed also on its authority. The Union Board at a meeting may recommend for gross dereliction of duty or for any other serious offence, the dismissal of a particular *chowkidar* or *dafadar*. But the recommendation to be effective must be accepted by the Sub-divisional Officer or Superintendent of Police, as the case may be (Sec. 20.2). Enquiries are made by these officers through the local sub-inspector of police as to the correctness of the grounds on which the dismissal of the watchman is recommended by the Union Board. If the watchman has good relations with the *thana* officer, the latter may, and not often does, take his side. The recommendation of the Union Board consequently goes to the wall and the watchman remains in office and snaps his fingers at the Board and its President. While the Board may not dismiss him without

the sanction of the district authorities, the Sub-divisional Officer may turn him out on his own initiative and responsibility (under delegated authority). Cases have occurred of *chowkidars* being dismissed against the express wish of the Union Board on the suggestion of the *thana* officers. It thus comes to this that while the Union Board has no authority either to appoint or to dismiss a watchman, he may be so appointed or dismissed over the head of the Board by the District Officer or his deputies.

The Union Board may of course punish a watchman, if guilty of some misconduct, with a fine which must not exceed one quarter of a month's pay. But in this matter of taking mild disciplinary action also, the authority of the District Magistrate is greater than what has been assigned to the Board. The District Officer may subject this watchman to a fine which may amount to the salary of one month (Sec. 22). It is for the Union Board again to allocate to each *chowkidar* a reasonable area and if there is more than one *dafadar* it is also to name the *dafadar* under whom he shall serve. Even in the discharge of this function, the Union Board cannot exercise its independent discretion. The division of work among the *chowkidars* is subject to revision and control by the District Magistrate. The Board again may require the watchmen to appear once a fortnight at muster parades. But this also is subject to the sanction of the District Magistrate.

The number of *chowkidars* and *dafadars* to be employed, the salary to be paid to them and the nature and cost of their equipment are all determined not by the Union Board but by the District Magistrate (Sec. 21). Of course the Union Board is entitled to discuss these questions and place its views before the District Officer, but they are not binding upon him. He is merely to consider these views and come to his own decisions. In many Unions, now-a-days, it is the considered opinion of the Boards that the number of *chowkidars* may be considerably reduced without any detriment to the cause of watch and ward. But the District Magistrate thinks

it essential that in these troublous days at least, the existing number of *chowkidars* should remain in service. The views of the Board do not thus count for much. The District Magistrate is more guided in this matter by the opinions of the *thana* and Circle Officers than impressed by the grounds on which the Board makes its recommendation.

The *chowkidars* have consequently to work under dual control. They are, in the first instance, the servants of the Union Board. Although appointed by the District Magistrate, they receive their letter of appointment through the Union Board. They cannot indeed be finally dismissed by the Board but it can recommend such dismissal, can impose fine upon them and otherwise censure and reprimand them. Besides, the *chowkidars* have to draw their salary at the Board office.\* The *chowkidars* consequently cannot but look up to the Board. On the other hand, we find that they are considerably under the clutches of the police officers of the *thana*. They do not ordinarily get their appointment unless these officers give a favourable report. When the *thana* officers go to their Union in investigation work, the *chowkidars* have to place themselves at their service. Every fortnight again they have to present themselves at the *thana* and respond to the roll call there. On these occasions they are also to submit to the *thana* officer a report as to the general condition of things in their Union. The *chowkidars* are thus very intimately associated with the police, and their future depends considerably upon the reports which the *thana* officer sends to the District Magistrate as to the way they assist and co-operate with him. If they do not show sufficient deference to the police, the *thana* officers may report that they are remiss in their duties and recommend

\* The Deputy Inspector-General of Police, Bakargunge Range, recently pointed out officially that the *chowkidars* had become restive under this system. They were not paid regularly and sometimes they had to sign a receipt for the full amount while actually they received only a fraction. They wanted to be paid, as before, at the police stations. See Report on the Police Administration in the Bengal Presidency for 1933.

that they should be fined or even dismissed from service. Usually these recommendations are acted up to by the District Officer. The *chowkidars* consequently find it to their interest to propitiate the *thana* police.

This dual control not unoften places the *chowkidars* between two fires. In many places there is no love lost between the Union Boards and the *thana* authorities. Long traditions of despotic rule have made the police haughty and overbearing. When a sub-inspector of police goes to inspect a village, he expects and often demands deferential attitude to him on the part of the president and members of the Board. These latter, however, are in many Unions jealous of their own position and conscious of their rights, and become rather indifferent to the visit of the *thana* officer, who consequently comes to suffer from a sense of injured dignity. Nothing but heart-burning now characterises the relations between the Union and the *thana* authorities.

When the relations between the two are so strained, the position of the watchmen becomes delicate. Those who try conscientiously to serve both the masters find themselves deserted by both of them. Some *chowkidars* of course walk warily in the midst of these petty jealousies. They poison the ears of the *thana* police against the Board and are profuse at the same time in their complaints to the President of the Board against the demands of the *thana* officers. They help to vitiate further the already none too pure atmosphere. They neglect the work of the Board on the pretext that the police makes too much demand on their time and neglect their duties to the *thana* on the plea that the President keeps them otherwise too long engaged. Serving two masters is always an uncomfortable job. If the Union Board is at all to remain invested with the duty of rural watch and ward, it should be given full authority and responsibility in the matter. At present its position *vis-a-vis* the *thana* police is invidious. It raises the tax for the maintenance of the *chowkidars* but it exercises only a nominal control over their

activities. It pays the piper but cannot call for the tune. If the Government cannot entrust to it full responsibility as to the maintenance of peace and security in the Union, this function should be wholly withdrawn from it and entrusted to its own agents. Divided responsibility seldom makes for efficiency. The Government, however, seems to be unwilling to take any step either way. It sets its face even against a slight modification of the existing arrangement. A suggestion has been made by Union Boards in different parts of the province that the powers of the District Magistrate regarding the appointment, dismissal and control of the watchmen, which are now delegated to the Sub-divisional Officer and the Superintendent of Police, should be delegated instead to the Presidents of the Union Boards. But so far the Government has resisted this suggestion. It is time for the Government to undertake a change of policy in this field. It may not be possible for the Government to make the village police a part of the regular constabulary and if that is out of the question, the control over the watchmen must be exercised by the Union Boards. But this control in order to be wholesome should be full. The Government will be justified in demanding that the *chowkidars* and *dafadars* should be appointed on conditions formulated and determined by the Government. The District Officers are to see that these conditions are observed by the Union Boards in the appointment of every *chowkidar*. Secondly the Government will be justified also in demanding that no *chowkidar* will be dismissed from service without the approval of the District Officer. But apart from these conditions, the control of the Union Boards should be full. There should of course be co-ordination of work between the *thana* and the Union Board authorities. But this co-ordination is to be effected not by the exercise of control over the *chowkidars* by the *thana* officers but by mutual consultation between the President and the sub-inspector.

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## CHAPTER XII

### WELFARE AND MUNICIPAL FUNCTIONS OF THE UNION BOARDS

Except in the areas where primary education has been transferred to separate School Boards under the Primary Education Act of 1930, the Union Boards may, under Section 32 of the Village Self-Government Act, establish and manage primary schools everywhere, and otherwise help in the extension of primary education. The authority of the District Board and that of the Union Board are concurrent in this respect. As the District Boards manage primary schools on their own account and help them with grant-in-aid, so the Union Boards also have started such institutions within their jurisdiction and have managed them for the last few years with their own resources. In certain areas primary schools started originally by the District Board have been made over to the control and management of the Union Boards. In fulfilment of the condition of this transfer, the District Board makes a special grant to the Union Boards concerned. In some Unions model primary schools are conducted by the Union Boards on the lines suggested in the *Biss Scheme*. To this end, these Boards are given a special annual grant by the Government.

The question whether for educational purposes separate *ad hoc* school committees should be set up in the districts as provided for in the Primary Education Act of 1930 or whether the District Boards should be entrusted with the duty, has been discussed in some details elsewhere. It need not be touched upon here. But it should be now pointed out that

in the areas where the Act of 1930 has not been applied, the function of providing arrangements for the elementary education of the people should remain vested in one authority and should not be divided between the District and the Union Boards. Those who make up the Union Boards are not as a rule expected to be endowed with a grasp of educational problems nor are they of sufficient constructive imagination and outlook. The District Board on the other hand consists of members who are of greater experience, wider outlook and with clearer ideas as to the educational needs of the people. This Board has besides at its disposal the experience and advice of some educational experts. The District Board is consequently in a far better position to tackle the problems of elementary education in a district. It is also necessary that the curriculum of studies, the needs and requirements of the students, the qualifications and conditions of service of the teachers should not vary from village to village but should be uniform over a sufficiently wide area. It, therefore, stands to reason that the primary education work should be withdrawn altogether from the Union Board and vested exclusively in the District Boards.

The Union Boards have established and maintained primary schools indeed but they have not so far ministered otherwise to the cultural needs of the villages. The right to set up and manage libraries at their own cost was not of course specifically given to the Union Boards by the Village Self-Government Act of 1919. But Sub-section 5 of Section 26 of this Act appears to empower these bodies either to start and maintain libraries on their own account or to make grants to private institutions of this character. Recently the Government under its rule-making power issued a rule under the authority of this section that the Union Boards might start and maintain libraries and might make financial grants for the purpose.

Library movement in Bengal is in an infant stage. There are few villages which can boast of a library of their

own. In the absence of such a facility, many people who once acquired elementary education are found to lapse into illiteracy. Even people who have a good secondary and even higher education to their credit are found to deteriorate in the absence of a suitable opportunity of further cultivation. A library is otherwise also an asset to a village. It chastens and elevates its general atmosphere.

It has been suggested by a British writer\* that the maintenance of libraries should be the concern of the larger local bodies and not of the smaller ones. A library, he thinks, must have a rich and varied collection to cater to the diverse tastes of the reading public of even a small locality. But as it is not usually possible for a borough to maintain such an institution, the library should be exclusively started and kept going by the County authorities. It may be similarly argued that the Union Boards with their very limited funds will find it beyond their means to maintain sufficiently rich libraries. The District Boards should consequently undertake this duty. But what is now wanted in a Bengal village is not the establishment of a big library with a varied collection. A small set of books and a number of periodicals and newspapers are all that a library may now consist of. The Union Boards may easily undertake the work of establishing and maintaining such institutions. If the President and members are enthusiastic in this matter, they can certainly induce some people to make the donation of a few books. They can also requisition, if necessary, the honorary and voluntary services in almost every part of the Union. If this work was entrusted to the District Board, the maintenance of even a small library would become a costly affair. A distant authority like it cannot be expected to have a free gift of books nor to command any voluntary service. The institution of libraries should hence be the concern of the Union

\* W. A. Robson, *The Development of Local Self-Government*, p. 47.

Boards. Nor can it be said that good libraries will not be established in the villages under this arrangement. Even the writer referred to above has been constrained to observe that some small boroughs in England have established very respectable libraries inspite of their petty resources. In Bengal also it can be expected that some of the Union Boards at least will take the library work seriously.

The Union Boards make provision under Section 30 for the supply of water. Water scarcity has become the bane of the countryside of Bengal. During the summer months rivers and tanks dry up in most cases and the people find it a problem to get a supply of drinking water. Not unoften they are compelled to drink water which should not be, on any account, consumed by human beings. Cholera and other epidemics break out in consequence. The Union Boards have, since the beginning of their short history, placed considerable emphasis upon this aspect of their duty. Every year, they decide to establish a number of new wells and to repair the old ones. Usually, the ordinary ring wells are set up by the Boards in places where the scarcity of water is most acute. In many Unions tube-wells have also been constructed. For the shallow tube-wells the Union Board has to bear the total burden of expense. But if they decide in favour of sinking deep-seated tube-wells, the works come under the scheme which has been adopted by the Government and is commonly known as the Joint Scheme. Under it the Union Boards have to supply one-third of the total expense either from their own funds or by raising local subscription, while the remaining two-thirds are contributed by the Government. In the eastern districts, the construction of tube-wells is not usually undertaken. The geological conditions of these areas are rather unfavourable to these projects. In the northern and western districts, however, tube-wells are increasingly coming into fashion. There are Unions which can now boast of as many as twenty tube wells. The construction of tanks is not as a rule entertained by the

Boards. Both the expenses of construction and the charges of maintenance are found to be prohibitive.

Wells are constructed no doubt according to a scheme prepared and accepted by the Board at the beginning of every official year on the suggestions of the members of the different Wards. It is true also that these wells are constructed as a rule according to the scheme in those places where the scarcity of water is felt most. Now and again however it has been found that these wells instead of being set up in a place, central and convenient to all, are dug near the house of the President or the Ward member. If the President is energetic and fair-minded, he checks the proposals of the Ward member. The members from the other Wards are not interested in these details. Consequently, if the President is not devoted to his duties, the Ward member has his own way.

The Union Boards have control over village roads, bridges, and water ways. Of course the main thoroughfares which run through more than one Union are as a rule under the direct authority of either the District or the Local Board. Every year the Union Boards draw up a list of the new roads to be built and make an estimate of the repairs that the old roads will require. Similarly, a list is prepared as to the new bridges to be set up and the old bridges to be repaired and improved. The Union Boards since their first establishment have built many roads in the villages and made communications easy and comfortable to a great extent in these localities. The roads they build are usually *kutcha*, but in certain semi-municipal areas which contain within them some sub-divisional head-quarters or flourishing business centres, they have also made themselves responsible for *pucca* roads. These *pucca* roads are not of the asphalt variety. They are built only of ordinary brick pieces. As in the case of constructing ring and tube-wells so also in the case of making bridges and roads it is the voice of the Ward member which usually predominates. If the President means

business he tours round the different parts of the Union and takes note of the places where new roads and bridges should be set up. It is on the basis of this note that the Board starts the discussion. If a Ward member suggests some alterations for his own personal convenience or for placating some influential constituents, the President may persuade the Board to turn down the suggestion. But as in other respects so in this matter also, the President is found on many occasions either too indifferent or too lazy. The Ward member consequently has his own way and superfluous roads are built in some places to the utter neglect of other areas.

The wells, roads and bridges are built and repaired under the supervision of the Ward member. These works are not done through contractors. This way a considerable sum of money which would have gone as profit to the pocket of the contractors is saved. But rumours of corruption on the part of the Ward member are current in many Unions. Here also everything depends upon the attitude of the President. His is the crucial position. If he is honest and hard-working and keeps watch upon the activities of the Ward member, the work is done smoothly and efficiently. If however, he is indifferent and inefficient, the dishonest Ward members get an opportunity of misappropriating a good portion of the money sanctioned and granted. There are instances also of the President and the Ward member being in collusion and sharing in the misappropriated money. In such Unions public opinion is still in an infant stage. The supervision of the Circle Officer may alone be a healthy check. But mere supervision from above cannot certainly be a cure. The corruption cannot be stamped out unless the public conscience is aroused and a vigilant public opinion is fostered in the villages.

There is a suggestion that the District Board may appoint one or two sub-overseers for every Circle of Unions. All the public works of the Union Board should be entrusted to them for execution. These officers are not to be under

the control of the Union Boards but to work under the supervision of the Circle Officer. The suggestion does not seem to be any way wise and acceptable. The remedy in all likelihood will be more dangerous than the disease itself. In the first place the sub-overseers not being amenable to the discipline and control of the Union Boards will snap their fingers at them and an unhealthy relationship will develop between the Boards and these agents. The Circle Officers are not expected to keep constant watch upon the activities of these latter. There is consequently every opportunity for these men of misappropriating funds and indulging in corruption. It is also not to be taken for granted that there will be no collusion between the Circle Officers and these sub-overseers. Any way if such an arrangement is entertained, corruption will not die out but expenses will mount up.

While the Union Boards have undertaken seriously the responsibility of opening and maintaining roads, they seldom make any provision for their lighting. Generally the sub-divisional towns to the municipal needs of which the Union Boards have to minister, are alone provided with an arrangement for street lighting. The funds of these Unions are adequate on account of the collection of larger rates and higher grants from the District Boards. Some industrial and commercial centres also are similarly provided with this luxury. Of the ordinary Union Boards it is only the most enterprising that have so far gone in for lighting their roads. In no district the number of such Unions exceeds two or at most three. As in the case of the lighting of the streets, conservancy arrangements have also been made only by the limited number of semi-municipal Unions. It is in exceptional cases alone that the ordinary rural Unions have found it possible to undertake such a responsibility.

Sanitation and public health now demand considerable attention on the part of the Union Boards. Their duties under this head are both curative and preventive. The

curative functions are attended to by only a few of the Boards. It is not in many of the Unions that dispensaries have been started on the initiative of the Boards or are maintained by them (under Sec. 32). Wherever of course this duty has been undertaken, special grants for the purpose have been available to the Union Board both from the District Board and from the Government. But most of the Union authorities have found it beyond their means to meet the initial expenses and part of the recurring expenditure which the management of the dispensary involves. The preventive function, however, has now been taken up by most of the Union Boards. They open up and repair drains so that rain water may not stagnate and become the source of malarial and other germs (Sec. 27). They fill up pools, ditches and pits so that filth or stagnant water which is injurious to public health may not accumulate. They clear lands of thick vegetation, undergrowths or jungles which may be a menace to public health.

In most cases, the nuisances enumerated above are come across in the private lands of individual citizens. They cannot be removed without a proper written notice being served upon the owners of the property. In these cases the Board at a meeting passes a resolution to the effect that the President should ask these owners or occupiers by a written notice that the jungle should be cleared or the pools and ditches should be filled up within a specified period. If the work required by the notice is not executed within the appointed time, the Board may cause it to be carried out by its own agents and may recover the cost from the owner or occupier as the case may be (Sec. 27.1.b and Sec. 27.2). Whenever a notice of this character is served on an individual, he may appeal to the Chairman of the District Board for its cancellation or modification. A Chairman is to issue his order only after taking reasonable evidence (Sec. 27.3). The writer has not heard of any appeal being actually made. Notices in fact are issued by the Union Boards only in those

cases which have become notorious. They are issued as a rule on the suggestion of the President and the Ward member. Now and again the Circle Officer may also invite the attention of the President to the existence of some filthy cases and suggest that notices should be served upon the owners or occupiers on that account. Any way it gets abroad that the Board is contemplating action in regard to certain places. Immediately the owners approach the Ward member and press him to persuade the Board to postpone the issuing of notices. The Ward member usually yields in the less dangerous cases. He knows that he will have to seek the suffrage of these people in the near future and consequently it will be impolitic to be too rigid in these matters. He takes up the line of the least resistance and at his instance the Board issues notices only in grave cases in the Ward.

Most of the owners act up to the demands of the notice. But ten to fifteen per cent. of the notices are neglected and left alone. The question consequently arises in these cases as to whether the work involved should be done by the Board itself and the cost recovered from the owners. Both the Ward member and the President are again approached by the defaulters. If these latter are influential persons and if the Ward member is dependent on their support, nothing ultimately is generally done against them. Much certainly depends upon the attitude the President takes. If he is an influential man and is in favour of strong action, a notice once issued is not allowed to be violated without its consequences being visited upon the defaulter. Inspite of much laxity and leniency in administration, it should be admitted that considerable improvement has been made in the sanitary conditions of the villages in which Union Boards have been at work for some years past.

An amendment passed in 1935 increases the powers of the Union Boards in this field. It is to the effect that in case a notice issued by the Board for clearing jungle, altering drains, etc., is not acted up to, a fine which may extend to



Rs. 25 may be inflicted upon the defaulter. The Board retains its right to have the work done by its own agents and realise the cost from the defaulting person. But if it finds it irksome to take this step, it will have the option to complain to a Magistrate's court and if the Magistrate finds the alleged defaulter to be really guilty of violating the notice, he may sentence him to this fine. After conviction, the accused will be expected to perform the work at once. In case he fails to do it, for each day of such failure he may be sentenced to a fresh fine up to Rs. 5. We are told that as a result of this amendment the Union Boards will find it possible to keep the villages in a more clear and sanitary condition than at present. As referred to already, the Boards do not as a rule go to the extent of clearing the jungles, altering the drains and filling the ditches of private individuals through their own agency and realising the cost ultimately from the individuals concerned. The threat itself of resorting to the court will be sufficient in many cases for the house-owners and occupiers to be prompt in their acting up to the notice served by the Union Board. The amendment is in the right direction.

In some Unions, the Boards have made an arrangement of their own for vaccinating the people as a preventive against the outbreak of small-pox. Generally it is the District Board which undertakes the task. But as the vaccinators of the District Board either do their duty perfunctorily or do not find it possible to make house to house visits and give individual attention, there is the danger of many people going without inoculation. People as a rule are not very much alive as to the necessity of vaccination. Consequently, under the District Board arrangement, vaccination does not become widespread, far less universal. It is in view of this state of things that some advanced Union Boards have thought it desirable to maintain their own vaccinators who move from house to house and persuade people to get inoculated. The arrangement becomes more scientific if the

vaccines are purchased or manufactured by the District Boards and then submitted to the Union Boards for the purposes of inoculation in the different localities. It will be economical for the District Boards and helpful to the Union Boards if the former make some grants to the latter for the maintenance of the vaccinators.

The Union Boards have also found it necessary to undertake anti-malarial work. To this end they not only open up drains, clear jungles, and fill ditches but they sprinkle kerosine oil also in different places as a preventive against the growth of mosquitos and other sources of malaria. In many Unions both the Government and the District Board encourage the organisation of anti-malarial societies which are usually run on a co-operative basis. These societies enjoy grant from the Government, the District Board and also the Union Board. Grants are made usually in the proportion of half by the Government, one-fourth by the District Board and one-fourth by the Union Board. In the areas where these societies have been started, they and the Union Board work side by side for the prevention of malarial outbreak. Conflicts and clashes consequently ensue. The Board and the societies become rival organisations. The former withdraws its grants and makes propaganda against the latter. A vicious atmosphere is created and all the evils of overlapping functions are brought out into clear relief. The Union consists no doubt of a number of villages but all the same it is not far too large a unit for ministering to the needs of all component villages. Consequently, it is better to concentrate the anti-malarial function in the Union Boards than to diffuse it between two organisations. It should be the rule that the anti-malarial societies are to be started only in those localities where the Village Self-Government Act of 1919 has not yet been applied.

It should be repeated in this place that the functions that have been delegated to the sanitary establishment of the existing health circle should be made over to the Union Boards

and the money that is being expended at present on the responsibility of the former should be handed over to the latter. If this proposal is acted up to, it will add to the efficiency of the Union Boards as health authorities to an appreciable extent.

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## CHAPTER XIII

### JUDICIAL POWERS OF THE UNION BOARDS

Long before the Bengal Village Self-Government Act was passed in 1919 and judicial powers were actually conferred upon the village bodies, the idea was at the back of the mind of some of our administrators and public men. (The Royal Commission on Decentralisation which reported in 1908 was of opinion that judicial administration would be more effective and popular if some petty cases, both criminal and civil, were made over to the village boards which they recommended for establishment)\* Lord Sinha who was responsible for the introduction of the Bengal Village Self-Government Bill in the local legislature in April, 1918, was also of the same mind as the members of the Commission just referred to.† He was quite enthusiastic about the proposal that the village boards should be invested with the privilege of disposing of petty disputes, both civil and criminal. No wonder therefore that he embodied in the Bill the two sections (Sec. 65 and Sec. 73) under which a select number of Union Boards now exercises judicial powers.

Section 65 of the Village Self-Government Act provides that whenever a Union Board has been established for any Union, the Local Government may, by notification, appoint any two or more members of the Board to be a Union Bench, during their term of office as members of the Board, for the trial of specific offences in the whole or any part of the Union. Section 73 similarly provides for the appointment by the same authority of two or more members of the Board as the Union Court for the trial of some specific classes of civil suits.

\* Report (Parliamentary Paper), Vol. 44 of 1908, p. 245.

† See Calcutta Gazette, Part IV-A, April 24, 1918, p. 668.

Criminal and civil jurisdiction need not be conferred upon the Boards at the same time. Many Boards of course have been given both powers simultaneously. But generally criminal jurisdiction is conferred first and if the Board discharges this duty satisfactorily, the civil judicial powers are granted to it. The number of Boards enjoying the privilege of exercising criminal powers is greater at present than the number of Boards enjoying both civil and criminal jurisdiction by 178. In case a Board has been endowed with powers in both the fields, a convention has grown to the effect that the same body of persons which sits as the Bench sits also as the Court. Similarly another convention has also been followed by the Government to the effect that the Bench and the Court are constituted by three men. The number is not allowed to be either smaller or greater.

As pointed out already not all the Union Boards but only a select number of them have been given judicial powers. The total number of Union Boards was during the year 1932-33—4,701. Of these only 1,177 have been invested with criminal jurisdiction under Section 65 and only 999 with civil jurisdiction.\* The Circle Officers first of all make an enquiry and submit a report to the Sub-divisional Officer recommending those Boards within his Circle, which deserve the privilege in his opinion. The Sub-divisional Officer may at his discretion amend the list which the Circle Officer has submitted. The revised list is then forwarded to the District Magistrate who may similarly modify it if he so pleases. Ultimately the list is submitted to the Local Self-Government Department of the Government of Bengal through the Divisional Commissioner for publication in the Calcutta Gazette.

The three members of a Board who constitute the Court or the Bench or both are in the first instance ominated by the President. Usually the President nominates himself and

\* Biennial Resolution on the working of Union Boards during 1931-32 and 1932-33.

two other members.. There are of course Union Boards where the Presidents themselves have kept aloof from judicial work. Except in rare cases the nominations made by the President are not changed by the local officers of the Government. Here and there the President before making the nominations consults the Board in this respect. The Bench and the Court are, in such cases, practically a sub-committee of the Board, constituted by itself from among its own members.

The Union Bench may try petty criminal cases which involve offences specified in schedule IV, Part A of the Code of Criminal Procedure, 1898. It may also try any offence specified in schedule IV, Part B, provided the case is transferred to it by a qualified Magistrate. (The Bench has power to sentence any offender convicted by it to a fine not exceeding Rs. 25 or in default to imprisonment for a period not exceeding seven days.) The jurisdiction of the Union Bench is only permissive. The Magisterial Courts of the Sub-division and the Union Bench have concurrent jurisdiction over these petty cases. A petitioner may institute his case either before the Union Bench or before the Court of a Magistrate. (Even when a case has already been instituted before a Union Bench, the District or the Sub-divisional Magistrate may transfer it to some court subordinate to him.) People who repose no confidence in the Union Bench are thus not compelled to take their trial before it. They have the option to get their case transferred to the court of a Magistrate. (There is no appeal by a convicted person in any case tried by the Union Bench.) The District or the Sub-divisional Magistrate may however "of his own motion or on the application of the parties concerned cancel or modify any order of conviction or of compensation made by a Bench or direct the retrial of any case by a Court of competent jurisdiction subordinate to him."

The Union Court has the right to try "suits for money due on contracts" and "suits for the recovery of movable

property or the value of such property," and lastly "suits for compensation for wrongfully taking or injuring movable property." These suits, however, can be entertained by the Union Courts only when their value does not exceed Rs. 200. Besides this limitation, the jurisdiction of the Union Courts is not exclusive. Both the Union Courts and the ordinary Civil Courts have concurrent jurisdiction over suits of this nature. Again when a suit has already been instituted before a Union Court, any defendant may apply to the Court of the Munsif within the local limits of whose jurisdiction the Union is situated, for its withdrawal. If the value of the suit does not exceed Rs. 25 the Munsif may exercise his discretion in the matter. In case however the value exceeds this amount, he must withdraw the suit from the Union Court and try it himself.

Both before the Union Court and the Bench, a case may be instituted by a petition made either orally or in writing. It was the object of the authors of the Act of 1919, to bring to the people, through these institutions, the benefit of informal and inexpensive justice. The ordinary Courts of Law were situated in the first place at a distance and secondly they were hide-bound by a rigid procedure. The litigants were consequently put to the inconvenience of both delay and expense. Lord Sinha of Raipur while introducing the Bengal Village Self-Government Bill in the Legislative Council held out the hope that the Union Bench and the Court would protect the people in many cases from these existing evils. The trial would be a simple affair, the members of the Court or the Bench being nothing but a set of arbitrators to whose intervention the village people were invariably accustomed. The Court and the Bench would deal with a case in the same informal and simple way as the arbitrators would have done on similar occasions. There would be no pleaders and lawyers appearing on behalf of their clients. Both the parties would place their case themselves before the Union Court or Bench.

In some of the Unions of course the purposes with which these institutions were started have been fulfilled. Formerly there were many people in the outlying parts of a Sub-division who might have been the victims of injustice and cruelty of their neighbours. But as the Courts were located at a great distance, they had no opportunity of resorting to them for protection. They either submitted to this cruelty and injustice without protest or retaliated in some form in their own way. The establishment of the Union Court and the Bench has opened an opportunity to these people of getting their affairs judicially settled. (It must be admitted that the members of some Union Courts and Benches are very jealous of their own reputation as of the bodies with which they are associated. They deal with the cases and disputes brought before them promptly and impartially.)

(But such honesty and impartiality are noticeable only in a few of the Union Boards which have been given judicial powers. In most of them corruption prevails to an enormous extent.) It is true that the number of cases disposed of by both Courts and the Benches is quite large. In 1932-33, the number of petty criminal cases so disposed of was 68,600 and the number of civil suits instituted before the Union Courts was during this year 138,392. But the number of cases dealt with is no index of the popularity of these institutions. (In most places the writer has been informed by local people that not even a show of justice is made. In the first place, all the three members of the Court or Bench may be innocent of any knowledge of law. Not unoften they are devoid of common sense as well.) Very frequently it is found that of the three members, one is constantly on the move. Now he is on the Bench, now however he is going out and taking a stroll or talking to some outsiders. He has practically no inclination to listen to the case. The second man is found almost uniformly dozing the whole time that the case proceeds. It is the third man who listens and practically decides it this way or that. But this lack of industry and attention on the part of the members of the Court or the

Bench is not the most serious charge that can be made against them. (What is more dangerous still is that most of the members of these bodies are amenable to some kind of corruption. Sometimes they are paid in kind and sometimes they are given some small cash. Any way bribery is a by-word, and illegal disposal of cases is frequent.) In some Unions, people appear to have been more at peace before the establishment of the Union Courts and Benches than they are now. Poor people might have been the victims of injustice before 1919 and they might have silently put up with their grievances. (Now they institute suits before the Union authorities, put some thing into their pocket and wait anxiously for the decision.) But when the judgment is issued, it is found that their opponents have stolen a march over them. They have paid more in kind and cash and the judgment naturally has gone in their favour. (It may be pointed out that if injustice is done against the litigants, it is nothing but strange that higher authorities are not moved against such illegal actions on the part of the Union Benches and Courts. But so far as the decisions of the Benches are concerned, it is a fact that the stipendiary Magistrates do not want to interfere in such decisions.) They of course of their own motion seldom try to set things right. Even when a party makes an application for cancelling or modifying an order of conviction or compensation, the Magistrate does not entertain it as a rule. Maulvi Hashem Ali Khan, a member of the Barisal Bar Association and enjoying a large and lucrative criminal practice in the district, observed on the floor of the Bengal Legislative Council in March, 1935 that not even five per cent. of such applications are entertained by the Magistrates in whose Courts they are filed. It appears that the Government wants the Union Boards to exercise this jurisdiction, irrespective of the way that it is actually exercised. In case, however, most of these applications are entertained by the Magistrates and the orders of the Union Benches are set aside as they deserve to be, they would be lowered in the estimation of

the people and their prestige would be undermined. The Magistrates accordingly out of set purpose reject the applications. Maulvi Hashem Ali Khan observed that he himself moved applications which represented genuine grievances on the part of the persons convicted by the Union Benches but he found absolutely no redress.

But although the administration of justice by the Union Boards has proved to be both inefficient and corrupt in most cases, provisions were made in the Amendment Bill which was introduced in the Bengal Legislative Council in December, 1934, and passed in a modified form in March, 1935, for the extension of these judicial powers of the Boards. The Clauses 28 and 32 of this Bill laid it down that the jurisdiction of the Union Benches and Courts which had been only concurrent so long should henceforward be exclusive. The Courts of the Magistrates and the Munsifs would have no jurisdiction over such petty cases and the litigants would not be entitled to bring these cases before such Courts. They must bring them only before the Union Benches and Courts.

That the Minister in charge of Local Self-Government was aiming at the development of the local bodies on wrong lines was immediately apparent. In the Select Committee to which the Bill was referred, the judicial clauses were severely attacked by the non-official members. (It rejected the clause on civil jurisdiction but by a narrow majority the Committee left the clause on criminal jurisdiction as it stood in the Amendment Bill.) Some of the members however added to the report of the Committee dissentient notes. One of them (Mr. N. K. Basu) pointed out—"I very strongly object to this clause (28). The time is not yet ripe for this sort of legislation. It will lead to corruption, injustice and denial of justice." Another member (Mr. S. C. Ray Chowdhury) was also equally emphatic in his opposition. "The reason," he tells us, "which led the Select Committee to omit clause 32 of the Bill should have also led them to omit clause 28

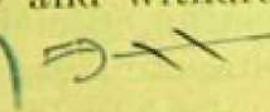
which proposes to give selected Union Benches exclusive criminal jurisdiction. In fact the reasons apply with even greater force to the latter, because civil claims are generally backed by documents of some kind or other and the loss involved in case of failure of justice is money only; but in criminal trials, a failure of justice has very far-reaching consequences. The man convicted loses his character in the eyes of the public. In the Council itself, the proposals for augmenting judicial powers of the Union Boards came also to be attacked by the members of different groups. Dr. N. C. Sen Gupta was of opinion that the clauses which the Minister wanted to incorporate in the Act were absolutely unnecessary. At present the litigants had the option to institute the cases either in the local Union authorities or in the distant Courts of the Magistrates and Munsifs. In case the Union Benches and Courts had proper reputation for integrity and efficiency, it was unthinkable that the litigants would undertake unnecessary expense and resort to the distant courts. They would certainly appear before the Union authorities. The jurisdiction that is only permissive and concurrent would in practice therefore become exclusive. (In case however the Union Courts and Benches had earned a notoriety for corruption, dishonesty, and utter inefficiency, the litigants would certainly like to keep them at arm's length.) It would be not only undesirable but cruel as well to confer exclusive jurisdiction upon the Benches and Courts in these circumstances and compel people to resort to them.)

The Minister appreciated the strength of public opposition to the judicial clauses. He withdrew clause 28 and did not move the amendment of which he had given notice for the reinsertion of clause 32 which the Select Committee had rejected. (So the Boards stand now where they did before as regards their judicial powers.) But in the opinion of the writer not only the powers of the Union Boards should not be extended and augmented in this field, but the Act should be amended and all judicial powers should be withdrawn from the Boards. Except in a very few cases, these powers

have been misused, nor should anything but such misuse have been expected at the time that the Act was passed.

Both the Decentralisation Commission and Lord Sinha contemplated the development of village bodies along wrong lines. In their enthusiasm for such institutions, they wanted to confer judicial powers upon the Boards in order that two purposes might be served at the same time. The people might be sure of cheap and ready justice in their village. The Boards also might grow in power and prestige. The Union Boards should certainly have every opportunity of development in the province. But they should develop not as judicial but as local (municipal) bodies. The exercise of judicial powers by these Boards will not be a help but a handicap to the growth of their popularity. As they will issue wrong judgments and as their members will take bribes and open themselves otherwise to illegal gratification, the Boards will suffer in prestige and dignity and lose the confidence of the people.

Cheap and speedy justice has a fascination of its own. But generally when it is cheap and very speedy, it hardly remains justice. Amateur justice has hardly ever succeeded in any country. England has been its stronghold. The Justices of the Peace recruited from the leisured classes have disposed of petty cases for long. But even in this country a movement has been set on foot against this arrangement of things, and it should be noted that this movement is gaining in strength and momentum every day. It is no idle speculation that the days of this amateur justice are numbered. If this be the attitude of the people of England towards this system of justice which is hallowed by traditions and backed considerably by success, the opposition to the exercise of judicial powers by the Union Boards in this province is not unjustified at all. It is time for the Government to reconsider the whole policy and withdraw the judicial powers from the Union Boards.



## CHAPTER XIV

### UNION BOARD FINANCE

The income of the Union Board is derived from several sources. Under Section 37, the Board has the right to impose a rate upon all the owners or occupiers of buildings within the Union. It enjoys also the revenue derived from the local pounds which were formerly managed by the District Boards but have now been transferred to the care of the Union Boards. Some local ferries have also similarly been made over to the Union Board which manages them and derives some income from that source as well. The Union Board is further helped by both general and in some cases special grants of the District Board. Further the Provincial Government may, and in some cases does, make a grant to the Union Board. Besides these several sources of income, the Union Board is on occasions the recipient of voluntary contributions from public spirited individuals.

Section 37 under which the Union Board imposes the rate consists of two parts. Section 37A provides for the raising of (the rate only to meet the expenses which the Board incurs on account of the salaries and equipment of the watchmen.) As to the imposition of the rate under this part of the section, the Union Board has no option. It must levy a rate so as to raise an amount necessary for maintaining this (establishment of watch and ward) The raising of revenue under Section 37B is however left entirely to the discretion of the Board. It may undertake this additional taxation for sanitation, education and similar other purposes provided two-thirds of the total number of members of the Board decide in favour of it at a meeting specially convened. If the Union Board undertakes to impose a rate under Section 37B, the District Board is required in its turn to make to it a

“suitable grant-in-aid.” In case the Union Board does not exercise this right and raises no amount by taxation under this part of the section, the District Board may still make to it a general and special grant, if it so pleases. The District Board may under Section 33 transfer to the Union Board, with its consent, the management of any institution or the execution of any duty within the Union. But the District Board is required to make an annual grant to the Union Board for meeting the expenses of such an institution or work. The Provincial Government also may contribute to the Union Fund both for the purpose of watch and ward and for the discharge of municipal and welfare functions.

The financial year of the Union Board begins on the 14th April which is equivalent to the first day of the Bengali year. It is in January that the Union Board at a meeting estimates the budget for the next year. The budget is divided into three parts. The first part included only “the receipts under section 37A of the Act and expenditure on the collection of such receipts and on watch and ward.” Part II includes on the receipt side the income raised under Section 37B, contributions made by the District Board under Section 33 and the general grant which the District Board may make to the Union Board by way of assisting it in the ordinary administration. On the expenditure side it relates to the money spent on roads, drainage, water supply, sanitation, conservancy, schools, dispensaries and similar other functions and institutions. Part III of the budget includes the special contributions which the Union Board may receive from the District Board as a recognition of efficient and meritorious work and the expenditure which is to be incurred from such contributions. The amount of contribution which the District Board has to make under Section 33 for maintaining the institutions and performing the work which it has transferred to a Union Board must not be a variable one. It must be fixed once for all by the District Board on the basis of the average of actuals for the three years immediately preceding this transfer. (The general grants of the District Board must

not also vary from year to year. They must be fixed for at least a term of years so that the Union Board may not be in doubt as to the minimum help which it may receive at the hands of the District Board. Any way, by the 23rd December immediately preceding the year to which the budget relates, the District Board must communicate to the Union Board the amount of grants it will make.

Parts I and II of the budget estimates must be passed by the Union Board before the 25th of January. On or before this date, a copy of Part I must be submitted both to the District Board and to the District Magistrate. To the District Board it is sent practically for information only, this body having no power to modify the estimate which relates to *dafadars* and *chowkidars*. To the District Magistrate, it is submitted for sanction through the Circle and Sub-divisional Officers. Part II of the budget is submitted only to the District Board for approval. It is in the month of June that the Circle Officer sends to the District Board his audit report which refers to the efficiency with which the Union Board discharged its municipal and welfare functions during the past year. It is ordinarily on the basis of this report that the District Board decides if any special grant should be made to this Union Board. If the decision is favourable, the Union Board is informed before the 15th August as to the amount allotted to it as a special grant and the conditions under which the money is to be expended. The Union Board then proceeds to frame Part III of the budget estimates showing the manner in which it proposes to spend the allotment. This estimate must reach the District Board on or before the 30th September. If this body is on the whole satisfied with the proposed expenditure shown in this estimate, it forthwith proceeds to disburse the grant.

After the budget is framed, the Union Board at a meeting proceeds to assess the Union rate according to the budget estimates. The assessment is based on the "circumstances and property within the Union of the persons liable to assessment." Under the supervision of the President, the clerk of

the Board prepares in the first instance, village by village, a list of all persons owning or occupying buildings. The annual income which every such person may derive from this property or from any other source within the Union is entered against his name. His debts and liabilities, if any, are also similarly inserted. A meeting of the Board is then called and every person unless he is found incapable of paying even half an anna is assessed. The maximum rate at which a person may be so taxed is Rs. 84 a year. With this limitation the discretion of the Board is unfettered. The meeting at which the assessment is determined must be held under the rules at least two months and a half before the first day of the year to which the budget relates; and in course of the next fifteen days, the assessment list has to be published in every village of the Union so that the people assessed may prefer appeals against the rate of assessment decided upon in their case. The Union Board as a whole constitutes the appellate court. Within three weeks of the publication of the list the objections and appeals must reach the Union Board. Subsequently at a meeting the objections are disposed of and the original assessment is either upheld or modified. A copy of the assessment list together with the budget estimates and the certificate stating the dates on, and the places at, which the original assessment list was published is sent to the Circle Officer for approval (Sec. 39). A person not satisfied with the result of his appeal may also apply to the District Magistrate against what he may consider to be overassessment. This Officer has the right under Sec. 40 to call for the papers any time he chooses and revise the assessment in particular cases after due enquiry. The enquiry is usually held through the Circle Officer.

The Union rate has to be paid in equal quarterly instalments. The rate may be collected either at the Board Office or at the houses of the rate-payers. In case within 15 days of the date on which the quarterly rate becomes due, it is not paid, the President is required to ask the *chowkidar* to levy by distress and sale of a sufficient portion of the

movable property of the defaulter, the amount of his arrear together with the sum equal to half the amount of such arrear by way of penalty.

The average income of a Union Board hardly exceeds Rs. 2,000 a year. Of this again the major portion is raised and expended for the maintenance of the office establishment and the watch and ward. The following figures will give an exact idea as to the income of the Union Boards and the amount which they can afford to spend for *chowkidary* and welfare functions.

YEAR.	Total No. of Union Boards.	Total Income excluding Opening Balance.	Money spent on <i>chowkidars</i> and establish- ment.	Money spent on Health, Education, Roads, etc.
		Rs.	Rs.	Rs.
1927-28	... 3,005	56,00,000	35,00,000	20,00,000
1928-29	... 4,089	71,41,000	46,42,000	23,00,000
1929-30	... 4,308	85,23,000	58,94,000	24,69,000
1930-31	... 4,522	82,10,000	62,88,000	22,30,000
1932-33*	... 4,701	88,25,000	67,00,000	21,00,000

The income and expenditure of an average Union Board under the two heads during these years come to be as follows :

YEAR.	Total Income excluding Open- ing Balance.	Money spent on <i>chowkidars</i> and establish- ment.	Money spent on Health, Education, Roads, etc.
		Rs.	Rs.
1927-28	... 1,863	1,164	665
1928-29	... 1,746	1,148	587
1929-30	... 1,985	1,368	573
1930-31	... 1,815	1,394	493
1932-33	... 1,878	1,425	453

\* At present Government Resolutions on Union Boards are being issued every two years. In the recent Resolution (for 1932-33) figures are not complete. The total amount spent on *chowkidars* is inserted but that on establishment or *dafadars* is not given. Nor total amount for other duties given.

In some districts the average income of a Union Board is higher than the provincial average. In 1928-29 for instance the average income of a Board in the district of Dacca was Rs. 2,107 while that of a Union Board in all Bengal was only Rs. 1,746. As again the average income of a Board in some districts is higher, that in other districts is consequently lower than the provincial average. In the district of Nadia for instance, the average annual income of a Board does not exceed as a rule Rs. 1,200 of which about Rs. 900 is spent on establishment and watch and ward and the paltry sum of Rs. 300 or less is all that can be devoted a year to the municipal and welfare work.

In every district there are of course a few Boards whose total annual income has now reached five figures. But these are semi-municipal institutions ministering to the needs of some sub-divisional headquarters and the villages round about. The people in these areas are as a rule more well off, their occupations are more varied, their enterprises are more profitable and their taxable capacity is consequently far greater than in the case of the people living in the distant interior. As again they raise more money from among themselves they become also the recipient of greater help from the District Board and the Government. The budget of a Union of this class brings out into relief the sources of income of such an institution and the actual work that it performs. It tells us that only a small portion of its income is spent on the watch and ward and the rest is devoted to different educational, sanitary, and public works enterprises. *Chowkidary* duties do not engross its attention and eat up its resources as they do in the cases of ordinary Boards with slender income. Besides three or four Unions of this description there are in every district about a dozen or more Unions whose income may be said to be quite respectable, though not so large. These "middle class" Unions have an income which extends from Rs. 3,000 to Rs. 6,000 a year. This good financial situation of a Board of this type is not due merely to the prosperous conditions of the people in the villages within its

jurisdiction, but is also to be attributed to a great extent to the capacity for work of its President and members. If they devote a reasonable time to, and evince industry in, the Boards's work and acquire a reputation for honesty and managing ability, money flows into the exchequer of the Union. Its Court and Bench are more resorted to by the litigant public and the increase of cases means the increase of the income of the Board. They again may inspire confidence in some local men of wealth, and persuade them to make some voluntary contributions with which they may start a school or dispensary. Once, again, these institutions are established and kept going for some time, help from higher authorities is invoked and usually received. The income thus swells and the activities of the Board become gradually more and more varied and beneficial.

The sound financial position of the Boards referred to in the previous paragraph constitutes but an exception to the general rule of economic anaemia from which the Union Boards are found almost everywhere to suffer. The maintenance of the watch and ward is the first charge upon their revenues. After meeting the expenses of collection and establishment and making the payment of the *chowkidars* and *dafadars*, these Boards find very little left for opening roads, fighting ignorance and diseases and providing other amenities to the people. The budget of an ordinary Union Board gives an idea as to the amount of service it can render to its rate-payers.

The condition of things may improve only if the Government and the District Board make arrangement for a regular and sufficient grant-in-aid. But the grants which the Government have so far made to the Union Boards are quite insufficient and spasmodic, so much so that in the Resolutions of the Government on the working of the Union Boards there is no mention of them at all. When the Bengal Village Self-Government Bill was on the legislative anvil in 1919, there was a suggestion made by a private member that the Government should be committed to a systematic grant-in-

aid. But it found no favour with the Government Bench and fell through in consequence.\* When the Provincial Government found itself unable to accept a suggestion like this, it could not force the responsibility on the shoulders of the District Boards. It was only laid down in the Act that these latter authorities would be entitled to render assistance to the Union Boards under all circumstances. If again the Union Boards raised money under Section 37B of the Act, this financial help would be compulsory on the part of the District Boards. But although assistance was made compulsory, the amount of it was not made definite. It was left to the discretion of the District Boards concerned. Only this much is insisted on by the Act that the District Board " shall make suitable grant-in-aid." The interpretation of the word ' suitable ' is however left entirely to the District Board itself and the different District Boards have interpreted it differently.

The following figures will give an idea as to the amount of financial assistance the District Boards render to the Union Boards :—

YEAR.	Total Help under Sec. 45.	Average Help under Sec. 45.	Total Help under Sec. 33.	Average Help under Sec. 33.
	Rs.	Rs	Rs.	Rs.
1928-29	... 3,37,000	82	1,14,000	28
1929-30	... 3,88,000	90	1,50,000	34
1930-31	... 2,72,000	60	2,05,000	45
1932-33	... 2,80,480	60	1,96,444	42

The average ordinary grant of the District Board to a Union Board amounts, on the basis of the four years' figures, to about Rs. 76 a year and that for maintaining the institutions which had formerly been managed by the District Board itself but have now been transferred to the control and management of the Union Boards to about Rs. 35. The grant which the District Board makes to the Union Board should

\* Proceedings, Vol. 51, 1919, p. 145.



be in some definite proportion to the amount which the Union Board raises on its own account either by taxation under Section 37B or from voluntary contributions for local welfare work. The best arrangement may be said to be reached when the grant of the District Board is equal to the amount raised by the Union Board through sources just referred to. The Union Board is a corporate body indeed and has independent powers and independent authority to raise money. But the sources which can be tapped by it are rather inelastic. It must consequently depend upon the grants of the District Board and the Government. It is not unreasonable in any way to demand that the District Board should at least grant as much money as the Union Board can raise on its own account. But the actual grant of the District Board falls far short of this amount. In 1929-30 Rs. 12,00,000 was collected by the Union Boards only by taxation under Sec. 37B but the grants of the District Boards under Section 45 was only Rs. 2,72,000. The proportion again as already pointed out varies from district to district. In 1929-30, the District Board of Dinajpore made a grant of Rs. 15,074 to the recently formed Union Boards which raised no rate whatever under Section 37B, while the District Board of Pabna made a grant under Section 45 of only Rs. 1,754 as against Union rates of Rs. 50,314 raised under Sec. 37B. In 1930-31 the District Board of 24-Parganas made grants of Rs. 23,143 against rates of Rs. 21,322 raised by the Union Boards under Sec. 37B, while the District Board of Chittagong made grants of only Rs. 432 against Union rates of Rs. 30,379. In 1928, a Union Board in Nadia raised Rs. 298 by taxation under Sec. 37B and Rs. 267 by local subscription. But against this total amount of Rs. 565, the District Board made only a grant of Rs. 12. In the same year a Union Board in Dacca raised by taxation under Section 37B Rs. 33 but did not get any assistance whatever from the District Board. This non-payment of any grant even when the Union Board undertook to raise rates, however small, under Section 37B, appears to have been a violation of a specific provision in the Village Self-Government Act. A third Union Board in the same district raised Rs. 784 for welfare work by taxation under Section 37B but

against this fairly large amount, the District Board made a grant of only Rs. 5. It is time that both the Government and the District Boards should devise a more equitable arrangement by which the local efforts for better and healthier life may be handsomely supplemented by grants from above. In 1929, the Government of Bengal in its Resolution on the working of the Union Boards in 1927-28 incidentally raised this question. It was of opinion that if the District Boards could adopt the principle that the amount of its grant to a Union Board would equal the sum the latter could raise, the Union Boards would be less handicapped and less shy in imposing rates upon the people for welfare work. The Government of Bengal returned to this question in 1932 in its Resolution on the working of the Union Boards in 1930-31. It brought to the notice of the District Boards that there were grounds for complaint in certain cases of insufficient attention on the part of these authorities to the statutory provisions of Section 45 of the Bengal Village Self-Government Act. Beyond this mild warning however the Government has refused so far to take any step which might require the District Boards to make grants according to any fixed principle. But these warnings and admonitions have not borne any fruit whatever. Only about two years ago (November, 1934), when the Government of Bengal issued its Resolution on the working of the Union Boards during the years 1931-32 and 1932-33, it could not report any improvement in the situation. Some of the District Boards were as before quite liberal in their treatment of the Union Boards but the rest were as indifferent as they had been in the previous years. In 1932-33, the District Board of Birbhum made a grant of only Rs. 3,753 against the Union rate of Rs. 49,494 raised under Sec. 37B. It is time that the system should be so changed that the District Boards may not have full discretion in the matter of making the grants.

It is unlikely that the Union Boards will ever be able to raise a large amount of money from taxation. If they are to be useful and efficient institutions ministering to the health and comfort of the local people, the arrangement of annual financial grants must be liberalised. We have suggested

elsewhere the abolition of the Local Boards and the transfer of most of the duties and functions which they exercise now to the Union Boards. If this proposal is acted up to, the money that is now granted to the Local Boards by the District Board may be distributed among the Union authorities. In eastern districts, we have seen that the amount granted to a Local Board at present is rather paltry. It hardly exceeds five thousand rupees. But in the western districts, the grant is far more liberal. It extends up to fifty thousand rupees. In case the eastern districts take a leaf out of the book of the west, and a uniform policy is followed throughout the province in the matter of making grants to the village institutions, every Union Board in Bengal may be assured of at least Rs. 500 as the annual grant-in-aid from the District Board. This will certainly constitute a great improvement upon the finances of the Boards. True, their responsibility will also increase but the net result will all the same be better. It has also been suggested elsewhere that the grant which the Government of Bengal now makes for public health and sanitation purposes and which is now being spent through the *thana* health units may easily be handed over to the Union Boards. We saw that the work in that case instead of deteriorating would in all human calculation only improve. If this project is also acted up to, every Union Board will that way have its resources improved to the extent of about Rs. 200 per year. As soon as these grants together with the corresponding duties are conferred upon the Union Boards, their prestige will grow. They will have an opportunity of showing to the public that they are making solid contribution to the development of the locality. Once this impression gets abroad, it is likely that they will find it easy both to levy a higher rate upon the people as also to attract voluntary contributions to a greater degree.

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